
SIGILL : COLL : HARVARD : CANTAB : NOV : ANGL : 1650.
CHRISTO ET ECCLESIAE
The Gift of
Hon. Charles Sumner
U. S. S.,
of Boston,
(H. C. 1830,)
15 Oct., 1863.

Geo Salmon,
with regards of
W. R. Hamilton.

[illegible]

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THE

CHARTER

OF THE

CITY OF NEWPORT, R. I.,

AND THE

SPECIAL STATE LAWS RELATING THERETO,

TOGETHER WITH THE

ORDINANCES

FOR THE GOVERNMENT OF THE CITY.

PUBLISHED BY ORDER OF THE CITY COUNCIL.

NEWPORT, R. I.:
COGGESHALL & PRATT, CITY PRINTERS.
1858.



MAYOR'S OFFICE,

NEWPORT, R. I.,

March 3, 1858.

The City Charter and its amendments, the State Laws which are particularly applicable to this City, and the City Ordinances are published in this volume by order of the City Council. The Ordinances have been revised and prepared with great care, and it is hoped that they will not require any change for many years. The Charter is very defective, and it is much to be regretted that a more perfect Charter could not have been submitted to, and accepted by, the people previous to the publication of this volume.

W. H. CRANSTON, *Mayor.*

CITY CHARTER AND AMENDMENTS.

CITY CHARTER AND AMENDMENTS.

AN ACT INCORPORATING THE CITY OF NEWPORT.

1. Inhabitants of Newport incorporated; power to make laws.
2. Administration of government vested in Mayor, Aldermen, and Common Council.
3. Mayor; powers and duties; salary.
4. Powers of town conferred upon Mayor, Aldermen, and Common Council; to elect Officers, &c.; Taxes how assessed.
5. Court of Justices, their duties.
6. City Council to elect Judge of Probate; salary; his duties.
7. Election of City Clerk; his duties.
8. Wards; elections, &c.; duty of Wardens and Clerks. City Clerk to be probate clerk.
9. Organization of Ward Meetings.
10. Mode of voting, &c., changed by the Digest of 1857.
11. Who to vote on charter.
12. Town Council to divide Wards.
13. Organization of City Government.
14. Officers to be notified of their election.

It is enacted by the General Assembly as follows:

SECTION 1. The town of Newport, with the inhabitants thereof, shall continue to be a body politic and corporate, by the name of the City of Newport, and as such shall have, exercise and enjoy all rights, immunities, powers, privileges, and franchises, and be subject to all the duties and obligations now appertaining to or incumbent upon the freemen and Town Council thereof; may ordain and publish such acts, laws and regulations, as shall be needful to the good order of said body politic, and inflict fines and penalties for breaches thereof, not exceeding two hundred dollars and six months' imprisonment for any one offence.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal magistrate, being an elector of said city, to be called the Mayor; one council of five persons, being electors, to be called the Board of Aldermen; and one council of ten persons, being also electors, to be called the Common Council; which boards united shall be called the City Council; together with such other magistrates or officers as by this act are or hereafter may by the laws of this state and of the said city be prescribed, each of whom shall be sworn or affirmed to the performance of the duties of their respective offices, and to support the constitution of this State and of the United States.

SECTION 3. The Mayor of said city shall be the chief executive magistrate thereof, and ex-officio a Justice of the Peace within the city. It shall be his duty to be vigilant and active in causing the law to be executed and enforced, and in order to enable him more effectually to preserve the peace and good order of the city, he shall have within the limits of said city, all the powers given to sheriffs and other officers in and by an act entitled "An act to prevent routs, and tumultuous assemblies, and the evil consequences thereof." He is hereby empowered to commit to prison for a term not exceeding twenty-four hours, any person or persons who may be found committing any mischief, or otherwise behaving in a disorderly manner within said city, to the disturbance or annoyance of the peaceable inhabitants thereof. He shall exercise a general supervision over the conduct of all subordinate officers, and cause their violations of duty to be prosecuted and punished. He may call meetings of the Board of Aldermen and Common Council, or either of them, although one or both of them may have been adjourned to a more distant day. He shall from time to time communicate to both of them such information, and recommend such measures as the business and interests of the city, in his opinion, may require. He shall preside in the board of

Aldermen and joint meetings of the two boards, but shall have only a casting vote. The salary of the Mayor shall be two hundred and fifty dollars, payable at stated periods, and may be raised to a sum not exceeding four hundred dollars, by a concurrent vote of both branches of the City Council, whenever in their judgment the interest of the city shall require it.

SECTION 4. All the powers now vested in, or by this charter conferred upon, the inhabitants or electors of the town of Newport, or in the Town Council thereof, shall be vested in the Mayor and Aldermen, and in the Common Council of said city, to be exercised by concurrent vote, each board to have a negative upon the other. But elections of officers by the City Council shall be had in convention of the two boards; and whenever required by any member of the Convention, shall be by ballot. The City Council shall appoint all necessary officers, define the duties, and fix the compensation of officers, in cases where such duties, fees and compensation shall not be defined and fixed by this charter or the laws of the State; and may by concurrent vote, two-thirds of the members elected of each board voting in the affirmative, remove officers of their appointment for misconduct. No compensation shall be allowed to any member of the Common Council or Board of Aldermen, nor shall any member of either board, within the time for which he shall have been elected as such, be eligible to any office of profit in the gift of the City Council. All officers shall be chosen and vacancies filled for the current year, except as herein otherwise directed. The City Council shall take care that monies shall not be paid from the city treasury unless granted or appropriated; and shall secure a just and proper accountability, by requiring bond with sufficient penalty, and surety or sureties from all persons entrusted with the receipt, custody, or disbursements of monies; shall have the care and superintendence of city buildings and the custody, care, and management of all the city estate and property, with power to let or sell that which may be legally

let or sold, and to purchase and take in the name of the city such real and personal property as they may think useful to the public interest. Nothing, however, contained in this charter shall be construed either as giving the City Corporation any banking privileges or the power to subscribe to any railroad, canal, or any public work whatever, or to do and transact any matter except such as belongs to the legitimate duties of a municipal body within its own province; or as giving power to vote money for any object except for the regular, ordinary, and usual expenses of the city. And any new project or proposition involving any expenditure of money exceeding the sum of three thousand dollars, in any one year, shall first be voted on and approved by a majority of the electors voting in ward meetings, legally called for that purpose. All taxes ordered to be assessed by the City Council or by the General Assembly, shall be assessed, apportioned, and collected according to the modes prescribed by the laws of the State; and that the City Council, as often as once a year, shall cause to be published, for the information of the inhabitants, a particular account of receipts and expenditures, with a schedule of city property and debts.

SECTION 5. All the by-laws, ordinances and regulations heretofore made by the freemen of the town of Newport, or by the Town Council thereof, and now in force, shall, notwithstanding this act, be and remain in force until they shall expire by limitation or be repealed by the City Council. And prosecutions and suits may be continued, commenced and proceeded thereon, in the name of the city, or, as the case may be, of the officers or other persons, by said by-laws, ordinances, and regulations, empowered or directed to prosecute and sue; and the fines and penalties recovered shall go to the uses in such by-laws, ordinances, and regulations named, or according to law.

SECTION 6. The Court of Justices of the town of Newport shall be styled the Court of Justices of the city of Newport; and in addition to its present powers and jurisdic-

tion, which are hereby continued to it, shall have cognizance of all offences against the by-laws and ordinances which may be established by the City Council of the city of Newport, which do not exceed their jurisdiction as established by law, and may, on conviction thereof, award such sentence as to law and justice may appertain; and any person aggrieved by such sentence, may appeal therefrom to the Court of Common Pleas for the county of Newport, under the restrictions and conditions provided by law in other cases of appeal from said Court. It shall be lawful for said court so to alter and vary the form of writs and other process, as to make the same consistent with the organization, style, and jurisdiction of the court; and such writs and process shall have the same validity and extent, and be served, obeyed, enforced, and returned in the same mode and by the same officers, as are the writs and processes from the Court of Justices for the town of Newport.

SECTION 7. There shall annually be appointed by the City Council one Judge of Probate, to whom shall be paid instead of fees of office as heretofore, a salary, to be fixed by the said City Council, which shall not be diminished within the time for which such Judge shall have been appointed, and which shall not exceed two hundred and fifty dollars per annum. The said Judge shall exercise the same probate jurisdiction now exercised by the Probate Judge of the town of Newport; and the probate business unfinished at the time of his coming into office, shall be proceeded in and finished by the said Judge of Probate; and all probate fees which by law are now paid to the Judge of Probate; when not remitted by the Judge of Probate, shall be paid into the City Treasury.

SECTION 8. There shall be annually appointed by the City Council a City Clerk, whose powers and duties shall be those now possessed and exercised by the Town Clerk of the town of Newport, (including that of probate clerk,) and including the power to take the acknowledgment of deeds, &c., with such others as may be prescribed by this charter, by the by-laws, ordinances, and regulations established by the

City Council, or by the laws of the State; whose compensation shall be the fees of office as by general law established.

SECTION 9. For the purpose of holding elections, the city shall be divided into five wards, to contain, as nearly as may conveniently be, an equal number of inhabitants and electors. And it shall be the duty of the City Council from time to time, not oftener than once in five years, to revise, and if needful, to alter the said wards, in such a manner as to preserve, as nearly as may be, such equality. A quorum for the transaction of business in ward meeting shall consist of at least eleven electors. In each ward there shall annually, on the third Wednesday in April, be chosen a warden and clerk, who shall hold their offices for one year, and until others shall have been chosen and qualified to act in their places. If at any ward meeting the Warden shall not be present, the Clerk of such ward shall call the meeting to order and preside until a warden pro tempore shall be chosen; and if at any such meeting the clerk shall not be present, a clerk pro tempore shall be chosen. The Wardens shall preside at meetings of the wards, with powers and duties of moderators of the town meetings; and the Clerk shall record all the proceedings, and certify the votes therein given. Immediately after the choice of Warden and Clerk, the electors present shall elect, by a majority of the votes given in each ward, two of the electors of the said ward to be members of the Common Council. As soon as the requisite number of Common Councilmen shall have been chosen, each elector shall carry in his written or printed ballot, in the manner prescribed by law, for one elector of said city for Mayor; and on the same ballot for one such elector, from said ward, to be a member of the Board of Aldermen, for one year from the first Monday of June, then next to ensue, who shall hold their offices until others shall be elected to and qualified to act therein. All the ballots for Mayor and Aldermen shall be sorted, counted, registered, declared, sealed up, certified and directed in open ward meetings to the City Clerk, and shall be opened

and counted by the Board of Aldermen, who shall cause written notice to be given to such persons as shall have received a majority of the votes given; and if no Mayor or less than five Aldermen shall be chosen, or any person shall refuse to accept, the Board of Aldermen shall issue warrants for another election, and so from time to time shall order new elections until a Mayor and five Aldermen shall have been chosen by a majority of the electors voting. The said board may also, in case of vacancy in the office of Mayor, happening within the year, direct such vacancy to be filled by a new election. On the first Monday of June in each year, the Mayor, Aldermen, and Common Councilmen elect shall meet in convention. The members elect of the Common Council shall deliver to the Mayor or presiding officer their certificates of election: and the Mayor shall administer to such of the members of the two boards as shall be present, not already sworn or affirmed, the oath or affirmation here-in-before prescribed; and thereupon the convention shall ballot for a City Clerk. The City Clerk shall be clerk of the Board of Aldermen, and shall also be Probate Clerk. He shall perform such duties as may be prescribed by the Board of Aldermen or City Council; and all acts done by said city clerk, which were formerly required of the town clerk, shall have the same binding effect upon all persons as though done by said town clerk. He shall give notice in one or more of the city papers of the times and places of holding regular ward meetings; but the place of each regular ward meeting, and also the day and hour, when not fixed by law, shall be determined by the Board of Aldermen. The said Board of Aldermen may, in the absence of the Mayor, choose a president pro tempore, who shall preside at joint meetings of the two boards, and who shall also, in the absence of the Mayor from the city, or in case of his inability, exercise for the time being all the powers and duties of Mayor; the Common Council shall choose a President and Clerk. Each board shall keep a record of its proceedings,

and the ayes and nays of the members of either board on any question shall, at the desire of one-fifth of those present, be entered on the journal. Each board may determine the rules of its proceedings, judge of the elections of its own members, and in cases of failures of elections, or of vacancy by death, absence, resignations, or disability, may order new elections. A quorum for the transaction of business shall in each board consist of a majority of the members thereof.

SECTION 10. Elections of Senator and Representatives from the City of Newport to the General Assembly, and all the general elections by the freemen, shall be held in the said city at the ward meetings thereof; and all elections held by virtue of this charter or by law, shall be notified and held, and the registry and the voting lists for the same revised and prepared in the manner provided by law ; the votes given for Representatives to the General Assembly shall be declared in open meeting, sealed up, certified and delivered to the City Clerk. The votes given for general officers, for electors of President and Vice-President of the United States, and for Representatives to Congress, shall at the close of the election be also declared in open meeting, sealed up, certified, and delivered to the City Clerk. Those for Representatives to the General Assembly shall be opened and counted by the Board of Aldermen, who shall order new elections until the whole number of Representatives shall have been chosen; and every Representative elect be furnished by the City Clerk with a certificate of his election. The packages of votes given for general officers, for electors of President and Vice-President of the United States, and for Representatives to Congress, shall not be opened by the Board of Aldermen, but shall be by the City Clerk, in open board, enclosed and sealed up, directed and delivered according to law. And at all ward meetings in said city, the polls shall be closed at eight o'clock in the evening.

SECTION 11. All the inhabitants of the said town of Newport, by law qualified to vote for general officers, shall be

entitled to vote on the question of the adoption of this charter; and the same shall be void, unless the said inhabitants within fifteen days from the rising or adjournment of the General Assembly at the May Session, 1853, at a legal town meeting thereof, by vote in writing, shall determine to adopt the same; and if said chater be adopted, the first election of officers under the same shall be held on the first Tuesday of June next, at a town meeting, to be warned and conducted according to law, for that purpose.

SECTION 12. It shall be the duty of the Town Council of the Town of Newport, as soon as may be after the passage of this act, and the acceptance of it by the legally qualified voters, in conformity to the provisions of the next preceding section, to divide said town into five wards, to contain as nearly as may be an equal number of inhabitants and electors, which proceeding of the town council shall be subject to the revision of the city council within one year after the passage of this act.

SECTION 13. For the purpose of organizing the city government hereby established, and putting the same into operation, the said town council shall, as soon as may be after its acceptance aforesaid, issue a warrant, directed to the town sergeant, or either of the constables of said town, requiring them to warn the qualified electors to meet in their respective wards at the day, hour, and place in said warrant designated, to choose a warden and clerk for each of the five wards as in the section next preceeding described, and all other city officers whose election is provided for in the ninth section of this act, and in the manner therein named; and said warrant together with a notice of said meetings shall be published at least seven days previous to the time named in the warrant, in two or more newspapers published in said town, and posted up in each ward thereof. The ballots for Mayor and Aldermen given in said ward meetings shall be sorted, counted, registered, declared, sealed up, certified and directed in open ward meetings to the Town Council of the

town of Newport, and delivered to the president of said council, together with a certificate of the election of the Aldermen and Common Councilmen in each of said wards. It shall be the duty of the town council forthwith to convene and to open, examine, and count the votes so returned to them, and to declare the result as to each officer elected. In case no election shall have taken place of Mayor, or if the whole number of Aldermen or of Councilmen shall not have been certified to be elected by the wardens and clerks aforesaid, then a new warrant shall issue in the manner before described by said council until the election be completed.

SECTION 14. The Town Council shall cause the Mayor and each member of the City Council to be duly notified of his election, and shall furnish each board thereof with copies of the returns made to them, and of the certificates of election, and shall also furnish to the clerk of each ward, as soon as elected, a copy of all the qualified voters. [Passed May 1853. Adopted May 20, 1853.]

AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT FOR INCORPORATING THE CITY OF NEWPORT."

1. Executive powers, &c., vested in Mayor and Aldermen.
2. Mode of voting for Mayor, Aldermen, and Common Council.
3. Repeal of parts of acts inconsistent with this act.

It is enacted by the General Assembly, as follows:

SECTION 1. That the fourth section of said act shall be so amended and added to as to read as follows:

That the executive powers of said city generally, and the administration of police, with all the powers hitherto possessed by the Town Council of the town of Newport, and of its members, by virtue of their office, (whether said last-mentioned powers were conferred by the General Assembly or

by the town,) except the power of passing by-laws and ordinances, shall be vested in the mayor and aldermen.

SECTION 2. That the ninth section shall be amended so as to read as follows:

Immediately after the choice of warden and clerk each elector shall carry in his written or printed ballot in the manner prescribed by law, for one elector of said city for mayor, and on the same ballot one elector of said ward to be a member of the board of aldermen, and two electors of said ward to be members of the common council of said city, who shall hold their offices until others shall be elected to, and qualified to act therein.

SECTION 3. That all such parts of the act of which these are amendments as are inconsistent herewith, be and the same are hereby repealed. [Passed January, 1854.]

The manner of electing mayor, aldermen and common councilmen has been changed by the Digest of 1857. *See extracts from the same.*

AN ACT IN AMENDMENT OF AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF NEWPORT," AND OF THE ACTS IN AMENDMENT THEREOF.

1. At close of polls, wardens and clerks to seal up and certify votes, and direct to Board of Aldermen, who are to count votes and certify result to Common Council; in case of no election of Councilmen, to order new election.
2. In cases of new elections, four days' notice of meeting of canvassers to be given.

It is enacted by the General Assembly, as follows:

SECTION 1. At the close of the polls at any election for members of the common council in said city, it shall be the duty of the warden and ward clerks in their respective wards to certify and seal up in separate packages the votes given in their respective wards, and direct the same to the board of aldermen; and the board of aldermen shall proceed

to sort and count the votes for members of the common council, and to declare the election, as they are now by law required to count the votes and declare the result of the election of mayor and aldermen, and to certify the result to the common council; and if there shall be a failure to elect the requisite number of members of the common council in any of the wards, the common council shall order a new election in such ward for the purpose of filling the vacancy; and the like proceedings shall be had until the full number of common councilmen shall be elected in each of the several wards.

SECTION 2. In all cases where new elections are ordered, in said city, the board of canvassers shall not be required to give more than four days' notice of their meeting to canvass the list of voters for such elections. [Passed May, 1857.]

AN ACT IN AMENDMENT OF AN ACT ENTITLED "AN ACT INCORPORATING THE CITY OF NEWPORT AND OF THE ACTS IN AMENDMENT THEREOF."

1. Certain powers conferred upon Mayor and Aldermen; other powers conferred on Mayor, Aldermen and Common Council.
2. Parts inconsistent, repealed.

It is enacted by the General Assembly, as follows:

SECTION 1. The first section of an act in addition to an act entitled "an act incorporating the city of Newport," passed at the January session, 1854, is hereby amended so as to read as follows:

The executive powers of said city generally and the administration of police, with all the powers hitherto possessed by the town council of the town of Newport and of its members by virtue of their office, (whether said last mentioned powers were conferred by the General Assembly or by the town), except the power of passing by-laws and ordinances, shall be vested in the mayor and aldermen. All

other powers now vested in, or by the charter of said city conferred upon, the inhabitants or electors of Newport, or in the town council thereof, shall be vested in the mayor and aldermen and the common council of said city, to be exercised by concurrent vote, each board to have a negative upon the other.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. [Passed January, 1858.]

LAWS OF THE STATE

RELATING TO THE

CITY OF NEWPORT.

LAWS OF THE STATE

RELATING TO THE CITY.

AN ACT RELATING TO THE OVERSEERS OF THE POOR AND TO THE ASYLUM, IN THE TOWN OF NEWPORT.

SECTION 1. *Be it enacted by the General Assembly, and by the authority thereof it is enacted,* That the overseer or overseers of the poor in the town of Newport, or a majority of said overseers, if more than one be appointed by said town, be and they are hereby fully empowered to commit all such idle and indigent persons as shall from time to time be found in the said town, who, by their evil courses, are likely to become a town charge, to the asylum for the poor established upon Coaster's-harbor island; and for the better enabling said overseer or overseers to perform said service, they are hereby fully empowered to command the town-sergeant, or any of the constables of said town, to assist them as often as occasion shall require; and said overseer or overseers, or any two

of them, if more than one be appointed by said town, are also fully empowered to grant forth a warrant to the town-sergeant, or any of the constables of said town, to take up any such person or persons as cannot give a good account of themselves, or of their way of living, and commit them to the aforesaid asylum; and all warrants issued by said overseer or overseers, or any two of them, for the purpose of committing any person or persons to said asylum, shall be signed by one or more members of the town-council; and the said town-sergeant and constables, in execution of said warrant, shall have power to command aid, if any be necessary.

SEC. 2. *And be it further enacted*, That the overseer or overseers of the poor, or a majority of said overseers, if more than one be appointed by said town, be and they are hereby fully empowered, with the advice and consent of the town-council, to bind out any such person or persons as have been committed to said asylum, if it appear that they are liable to become chargeable to said town, for a term of time, not exceeding four years; and the town-clerk of said Newport shall sign the indentures of such persons, so bounden out: and the overseer or overseers of the poor, or a majority of said overseers, if more than one be appointed by said town, be and they are hereby fully empowered, with the advice and consent of the town-council, to take up any child or children who are likely to become chargeable to said town, and bind them out apprentices to some creditable person, either in or out of the State; and the town-clerk of said Newport shall sign the indentures for said children.

SEC. 3. *And be it further enacted*, That said overseer or overseers of the poor be and they are hereby fully empowered to take up any straggling persons who do not belong to said town, and if they cannot give a good account of themselves, to commit them to said asylum; and in case they belong to any other town in this State, or do not belong to the State, the said overseer or overseers of the poor are

hereby fully empowered to send such person or persons to the town where they belong, as hath heretofore been customary according to law.

Sec. 4. *And be it further enacted*, That in case the overseers of the poor of any town to which such person or persons shall be removed, shall think themselves aggrieved at the determination and order of the said overseer or overseers of the poor of the town of Newport, shall have the same liberty of appealing as they now have from the determination of the town-council.

Sec. 5. *And be it further enacted*, That the said town of Newport be authorized to appoint nine commissioners to govern and superintend the said asylum for the poor, established on Coaster's-harbor island; the places of which commissioners shall be vacated and filled, three of them in succession, each year; and said commissioners may be empowered by the town to prescribe and adopt all necessary regulations for the government and management of the asylum, and of the people received into it; and to employ a keeper or superintendent of the asylum under them, and such other agents or officers as the concerns of the establishment may be found to require: the said commissioners shall act as a body, and organize themselves by appointing a chairman and secretary, by whom their doings shall be certified; and all regulations and appointments, and contracts made by them, shall be made at a meeting duly notified, and at which five members shall be necessary to form a quorum; and no such measure shall be repealed, altered or interfered with, except at similar meetings: at all other meetings of said commissioners, three members shall be sufficient to form a quorum: but all the commissioners, not at the time absent from the town, shall be personally notified of every special meeting by the chairman or secretary.

Sec. 6. *And be it further enacted*, That the overseer or overseers of the poor in said town shall cease to exercise all such powers and duties as are or may be transferred by the

town to said commissioners; and in all things appertaining to the government of and management of the asylum, such overseer or overseers shall be under the directions of said commissioners: and should said town think fit hereafter to appoint no more than one overseer of the poor therein, said overseer may perform all the same acts as the law requires to be performed by two or more such overseers.

SEC. 7. *And be it further enacted,* That said town shall have power to pass by-laws regulating the intercourse and communication with the asylum and the people therein, and with Coaster's-harbor island on which it stands; and prescribe penalties, not exceeding twenty dollars for any one offence, for a breach of said by-laws, which penalties may be recovered by the town treasurer by action of debt: and said town may also prescribe a penalty on any inhabitant of the town who, having been duly appointed, shall refuse to perform the duties of a commissioner of the asylum; such penalty not to exceed the sum of one hundred dollars, and to be recovered in manner aforesaid; but no person shall be obliged to serve more than one term in said office of commissioner.

SEC. 8. *And be it further enacted,* That the appointment of commissioners made by said town, on the sixteenth day of March, A. D. 1820, and the powers then granted to said commissioners, be and they are hereby confirmed.

SEC. 9. *And be it further enacted,* That nothing in this act shall be construed to interfere with any of the powers, by law vested in the town-council of said town, nor as limiting the power of said town at any time to discontinue the government of said asylum by commissioners as aforesaid; and to prescribe and adopt any other mode of governing and regulating the same which they may think proper, and not inconsistent with the laws of the state; provided that all contracts made by the commissioners, under the authority of the town, shall be strictly complied with; and that no proposition or subject relative to the government or management

of said asylum or of the poor shall be acted upon in any town-meeting, unless the same shall have been specifically stated in the warrant for calling such town meeting, and also notified by the town clerk in the newspapers published in said town. [Passed in 1820.]

AN ACT TO PROVIDE FOR THE REPAIRING OF THE STREETS AND HIGHWAYS IN THE TOWN OF NEWPORT.

1. Street Commissioners to be appointed; their power; owners of lots liable for repairs, &c.; proviso; how to be repaired, if owners neglect; appeal allowed.
2. What penalty exempt.
3. Penalty for breaking up streets.
4. Commissioners may remove all obstructions.
5. To superintend gravel in public docks; voluntary subscriptions for repairs.
6. Commissioners may cause front of lots to be filled up.
7. Broad Street.
8. Town may enact by-laws to prevent damage.

SECTION 1. *Be it enacted by the General Assembly, and by the authority thereof it is enacted,* That there shall be annually appointed, at the annual election of town officers, three commissioners, to be called the street commissioners; that the said commissioners shall receive all moneys into their hands that have been or hereafter may be appropriated by the town, for repairing the streets and highways, and shall account to the town-council annually on the first Monday in May therefor; that the said commissioners shall cause the same to be laid out in repairing such streets and highways, in such manner as they may think proper, and likewise to receive any donation or donations that may be made for the same, for which they shall give credit to the town; and whenever the said commissioners shall cause any street or part of any street to be paved, or order the repair of any or part of any one already paved, the owners of, as well as

the lands fronting on said street, shall be charged with putting and keeping in repair the sides of such streets, in front of such lands, of such materials and in such manner as the commissioners may direct, provided that such side-ways shall not exceed one fifth part of the width of such street on each side; nor be required to be laid with materials more expensive than what is commonly used for flag or curb stones, well laid in gravel; and in all streets not paved, the side-ways, at the discretion of the commissioners, shall be made and kept in repair by the owners of lands fronting on the same as aforesaid, with gravel only, whenever the commissioners shall so direct; and in case of neglect on the part of the owners of lands aforesaid, the same shall be put out on contract at auction to the lowest bidder by the commissioners, who are authorized to act as auctioneers for that purpose, after advertising the place or places to be contracted for, three weeks, stating the time when such auction will be held near the premises, which may be adjourned from time to time, by the commissioners, if they think proper; and the commissioners shall pay for all such contracts, and take a bill from the contractor of the same; which bill or bills shall be given to the assessors of taxes, by the commissioners, after adding five per cent. for their trouble and also the expence of advertising; and the assessors shall forthwith assess the same, with the addition of their commissions for assessing, and five per cent. for collecting; and give the said tax bill or bills to the collector of taxes, who shall collect the same in the same manner as the state and town taxes are or may hereafter be collected, and pay over the same to the said commissioners in three months from the time of such assessment, who shall give the town credit accordingly; any person so taxed to have the right of appeal therefrom to the next court of general sessions of the peace.

Sec. 2. *And be it further enacted*, That no property whatsoever shall be exempted from the said tax, unless it belongs to the state.

SEC. 3. *And be it further enacted*, That if any person shall break up any street for the repairing or laying any drains or other purposes, without the consent of one of the street commissioners, he, she or they shall forfeit and pay a fine of twenty dollars, to be recovered by the said commissioners before any court competent to try the same, to be appropriated to the repairs of the said streets and highways: and all persons who have or may hereafter do any injury to any street or highway, other than by usual and ordinary wear, the commissioners shall cause the same to be put in order at the expence of such person or persons, in the same manner as is provided in case of side-ways.

SEC. 4. *And be it further enacted*, That the said commissioners shall have power at their discretion, to remove all obstructions, such as steps, posts and cellar-doors, having a reasonable regard to individual convenience.

SEC. 5. *And be it further enacted*, That the said commissioners shall have the superintendence of the gravel in the public docks and shores belonging to the town, except the town beach; that none, under any pretence whatever, shall be permitted to take or use any of said gravel for any purposes, without permission of said commissioners, under the penalty of five dollars for every such load so taken; to be levied and collected by a warrant of distress from any justice of the peace, by plaint or information of any freeman; and the said fine or fines shall, when collected, be paid into the town-treasury, to and for the use of the town: that if at any time money shall be raised by voluntary subscription for the purpose of repairing any street or streets so named in said subscription, equal in amount to one third of the whole cost of such repairs, then in that case the said commissioners, if in their opinion expedient and necessary, are hereby authorized and directed to cause such street or streets to be repaired, provided the money so raised by voluntary subscription be first collected and paid to one of the said commissioners.

SEC. 6. *And be it further enacted,* That the street commissioners shall have power to cause the wall or walls against any lot or lots fronting cn any street or streets in the town of Newport, to be built up to against the street whenever the front of such lots are now or hereafter may be below the level of the street; as likewise to provide fence or railing for the security of passengers, if in their opinion the same be necessary; and that the said commissioners have the same remedy, out of the property so repaired against, as is provided in case of laying out side-ways.

SEC. 7. *And be it further enacted,* That the said street commissioners shall have the same powers to cause the sidewalks of the street called Broad street, in said town, to be made and repaired in the same manner, and of the same materials, as they now by law possess in cases of paved streets.

SEC. 8. *And be it further enacted,* That said town be empowered to enact all such by-laws as they may find necessary to preserve the streets and side-walks in said town from injury, with power to impose fines for the breaches thereof, not exceeding ten dollars for any one offence. [Passed in 1820.]

AN ACT IN ADDITION TO "AN ACT TO PROVIDE FOR THE REPAIRING OF THE STREETS AND HIGHWAYS IN THE TOWN OF NEWPORT."

1. Street Commissioners to re-survey, mark and define streets and highways, and record same; appeal; proceedings therein.
2. Commissioners to cause all obstructions to be removed.
3. After establishment of streets and highways, no buildings, &c., to be erected on said line.

SECTION 1. *Be it enacted by the General Assembly and by the authority thereof it is enacted,* That the street commissioners of the town of Newport be and they hereby are

empowered under the directions of said town, to resurvey, mark out and define the streets and public ways within the limits of said town; and that the doings and report of said commissioners, accompanied by a correct map or plat of said streets and public ways, being placed on file and on record in the town clerk's office in said town, shall be deemed and considered as establishing the true limits and locations of said streets and public ways: *Provided*, that any person who may think himself aggrieved by the doing of said commissioners, shall have the right of appeal therefrom in the court of common pleas, or the supreme judicial court in the county of Newport, at any time within six months after the doings of said commissioners shall have been filed and recorded as aforesaid: by filing his special reasons and grounds of appeal, in the clerk's office of said town, within the time aforesaid; and also filing a copy of said reasons and grounds of appeal, in the clerk's office of the court appealed to, within ten days before the term of said court to be holden next after the filing of said reasons and grounds of appeal in the said town clerk's office as aforesaid. And every such appeal shall be tried and determined in the court appealed to, in the same manner as civil causes are tried and determined therein. And said court shall have full power to confirm or reverse the doings of said commissioners, so far as appealed from, in whole or in part. And in case judgment shall be for the appellant for his costs, the same shall be paid by the treasurer of said town. And said courts shall have power to issue all such process as may be necessary to the execution of their judgments in the premises.

SEC. 2. *And be it further enacted*, That said commissioners shall have power under the directions of said town, to cause all obstructions and encroachments upon any of said streets and highways, which shall have been finally marked out and established as aforesaid, or confirmed upon appeal, to be forthwith removed; saving to any person aggrieved, his right of appeal as aforesaid.

SEC. 3. *And be it further enacted,* That after the final establishment of said streets and highways as aforesaid, no building or fence shall be erected or cellar dug upon the supposed line of any of said streets or highways, until application be made to said commissioners to mark out the line of the street on which such building or fence is to be erected, or cellar dug. [Passed June, 1836.]

AN ACT IN AMENDMENT OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE REPAIRING OF THE STREETS AND HIGHWAYS IN THE TOWN OF NEWPORT."

1. When street commissioner grades streets and paves gutters, owners of land thereon to pay for curb-stones.
2. In case of neglect of owner of land to pay for same, street commissioners to give amount to assessors of taxes, and they to assess and give same to collector, who shall collect it like other taxes.
3. Where amount exceeds twenty dollars, person taxed may appeal to Court of Common Pleas.

It is enacted by the General Assembly as follows:

SECTION 1. Whenever the street commissioner of Newport shall grade any street or part of a street and pave suitable gutters therein, the owners of the land as well as the land bordering on said paved gutters shall be charged with the cost of the necessary curb-stones which said street commissioner shall place in or at the side of said gutters.

SEC. 2. In case of neglect on the part of the owners of land situated as aforesaid to pay for the curb-stones set in or at the side of said gutters along the line of said land, the street commissioner shall give to the assessors of taxes the amount of the costs of said curb-stones, which amount, together with ten per cent. thereon, said assessors shall assess against said land or the owner thereof; and give the said tax bill or bills to the collector of taxes, who shall collect the same in the same manner as the state and town taxes are or may be hereafter collected.

SEC. 3. Any person taxed as aforesaid, in any sum exceeding twenty dollars, shall have the right of appeal to the next court of common pleas for the county of Newport: *provided,* said appeal shall be claimed within ten days after the assessment aforesaid shall be made, and bond be given as in other cases of appeal to the Court aforesaid. [Passed May, 1853.]

AN ACT IN AMENDMENT OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE REPAIRING OF THE STREETS AND HIGHWAYS IN THE TOWN OF NEWPORT," AND OF THE SEVERAL ACTS IN AMENDMENT THEREOF.

1. Powers conferred by Act of 1822 vested in City Council.
2. City Council may appoint Street Commissioner, define duties, fix compensation, and remove same.
3. Repeal of portions of Act of 1822 in regard to election of Street Commissioner.

It is enacted by the General Assembly, as follows:

SECTION 1. The act of the General Assembly contained in the Digest of 1822, entitled "an act to provide for the repairing of the streets and highways in the town of Newport," and the several acts in amendment thereof, are hereby so far amended that the power by said acts conferred upon the street commissioner or commissioners in said acts mentioned, shall from and after the passage of this act be vested in the city council of the city of Newport.

SEC. 2. The city council of said city of Newport may appoint such person or persons as they may deem proper, to take charge of the streets and highways of said city,—may define their duties and fix their compensation, and may remove said officer or officers so appointed agreeably to the provisions of the fourth section of the charter of said city.

SEC. 3. So much of the said above mentioned act as provides for the election of a street commissioner or commissioners, is hereby repealed. [Passed October, 1853.]

5

AN ACT PROVIDING IN CASE OF FIRE BREAKING OUT IN THE TOWN OF NEWPORT AND FOR THE PURPOSES THEREIN MENTIONED.

SECTION 1. *Be it enacted by the General Assembly, and by the authority thereof it is enacted,* That when any fire shall happen to break out in the town of Newport, the firewards of the town, or the major part of them present at any fire, shall and may, and are hereby empowered, to give directions for pulling down or blowing up any house or houses, as shall be by them adjudged meet and necessary to be pulled down or blown up, for stopping and preventing the further spreading of the same: and if it shall happen that the pulling down or blowing up of any house or houses shall be the occasion of stopping the progress of such fire, or that the fire stop before it comes to the same, then all and every owner of such house or houses shall receive reasonable satisfaction, and be paid for the same by the rest of the inhabitants of said town whose houses shall not be burnt, who are hereby empowered to make a tax for levying and raising such sum or sums of money as shall by the court of general sessions of the peace for the county of Newport be thought sufficient for that end; which court is hereby fully empowered and authorized, on application to them in this behalf made, to determine and make order thereon: *provided always,* that if the house or houses where

the fire shall first begin and break out, shall be adjudged fit to be pulled down or blown up, to hinder and prevent the spreading of the fire, that then the owner or owners of such house or houses shall receive no manner of satisfaction for the same; anything in this act to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That the freemen of said town of Newport shall, on their days for electing town officers, choose and appoint such a number of prudent persons, of known fidelity, in the several parts of the town, as they may think fit, who shall be denominated and called firewards, and have a proper badge assigned to distinguish them in their offices, to wit: a speaking trumpet painted red; and at the times of breaking forth of fire, and during the continuance thereof, they shall have full power and authority to command and require assistance for the extinction and putting out of the same, and for removing household furniture, goods and merchandize, out of any dwelling-house, store or other building actually on fire, or in danger thereof, and to appoint proper guards to take care of and secure the same; as also to require and command assistance for the pulling down or blowing up of any house or houses, and performing all and every service relating thereto, to stop and prevent the further spreading of the fire, and to suppress all tumults and disorders: and the said firewards from time to time appointed as aforesaid, are required, upon notice of the breaking forth of the fire, to take each one his badge, and repair immediately to the place, and vigorously exert their authority for obtaining assistance, and to use their utmost endeavors to extinguish or prevent the spreading of the fire, and to preserve and secure the estates of the inhabitants; and due obedience is required to be yielded to them and each of them accordingly in said service; and all disobedience, neglect or refusal in any person, shall be informed of to some of the justices of the peace of said town, within two days next after; and the offender upon conviction

thereof by the oath of one or more of the firewards, or other due proof made before any two of said justices, shall forfeit and pay as a fine, the sum of six dollars and sixty-six cents, to be levied by a warrant of distress, and when collected to be distributed at the discretion of the town council of Newport among such poor persons as were most distressed by the fire: and in case such offender or offenders shall be unable to pay the same, they shall be committed to jail, there to remain ten days.

SEC. 3. *And be it further enacted*, That if any evil-minded persons shall take advantage of such calamity to rob, plunder, purloin, embezzle, convey away or conceal any goods, merchandize or effects of the distressed inhabitants whose houses were on fire or endangered thereby, and put upon removing their goods, and shall not restore the same to the owner, (if known,) or bring the same to such public place as shall be assigned by the firewards of said town, within two days next after proclamation made for that purpose, the person or persons so offending, shall on conviction thereof be deemed thieves, and shall suffer the severest pains and penalties by law provided against such crimes.

SEC. 4. *And be it further enacted*, That there shall be kept, for the use and at the charge of the town of Newport, six fire-hooks, suitable for pulling down houses and other buildings, and the same number of ladders of a convenient length, one half of which fire-hooks and ladders shall be always kept at the lower market-house, and the other half at the market-house near the town school-house, or at such other places as the town of Newport shall direct: and that the same be made use of at the breaking out of any fire in said town, and upon no other occasion whatever.

SEC. 5. *And be it further enacted*, That eight persons be annually chosen by said town to have the care of the said fire-hooks, and ladders; and upon the breaking out of any fire, they are immediately to repair to the said fire-hooks and ladders, and cause them to be carried where they shall be

most wanted; and after the fire shall be over, to cause them to be returned again to the places from whence they were brought: that the said persons and each of them shall have full power to command any persons to assist them in transporting the said ladders and fire-hooks; and that whosoever shall refuse to assist, upon being commanded as aforesaid, shall pay as a fine into the town treasury, the sum of two dollars for every offence; and that such persons, during the time for which they shall be appointed to the office aforesaid, shall be exempted from all such duties as the firemen chosen to take care of the engines are by law exempted from.

SEC. 6. *And be it further enacted*, That every house in the said town of Newport shall be furnished with two good leather buckets, with the owner's name painted at large thereon, and with a ladder that shall reach from the ground to the top of said house, or with a trap-door or scuttle in the roof of said house, with stairs or a ladder to go out of the garret upon the top of the house: and that for every dwelling house in said town of Newport, which shall not be furnished with two leather buckets, and a ladder to reach from the ground to the top of the house, or in the room of such ladder, a trap-door or scuttle in the roof of said house, and stairs or a ladder to go out of the garret upon the top of the house, the owner of said house shall pay as a fine into the town treasury the sum of two dollars for every six month's neglect; but if the owner of the house doth not live in the town of Newport, the tenant or tenants shall pay such fines, and the same shall and may be deducted out of the rent of the house.

SEC. 7. *And be it further enacted*, That three persons shall be annually chosen by the said town of Newport, to examine every house in said town, twice a year, and make report of all delinquents unto the town council, who are hereby directed and empowered to cause every delinquent to be prosecuted.

SEC. 8. *And be it further enacted*, That every person in possession of a bucket, who shall neglect or refuse to make

use of the same himself, or deliver it to some other person to make use of, at any fire which shall break out in said town, or put his buckets to any other use but to extinguish fire, shall pay as a fine into the town treasury aforesaid, the sum of one dollar for every offence.

SEC. 9. *And be it further enacted*, That every bucket that shall be lost or damaged at any fire, upon satisfactory proof thereof being made before the town council, an order by them shall be given to the owner of such bucket on the town treasurer for as much money as will make good the loss or damage.

SEC. 10. *And be it further enacted*, That every person who shall import gunpowder into the said town of Newport, shall cause the same to be conveyed immediately to the powder-house at the northeasterly part of the town, before the vessel in which such powder shall be imported be brought to any wharf, upon the penalty of paying into the town treasury of the said town of Newport, a fine of two dollars for every cask which shall not be conveyed to the powder-house as aforesaid: that every other person who shall have gunpowder in his possession, and shall neglect or refuse to cause the whole of the same to be conveyed to the said powder-house immediately, excepting twenty-five pounds, which shall be kept in a tin powder-flask, shall pay as a fine into the town-treasury aforesaid, the sum of two dollars for every cask which he shall neglect or refuse to cause to be conveyed to the powder-house as aforesaid, and in proportion for any less quantity: that no vessel of war or other vessel shall take on board any powder before such vessel shall have departed from the wharf, upon the penalty of the master's paying a fine of two dollars for every cask so taken on board: and that the keeper of the powder-house be allowed the same fees as heretofore have been allowed by law for delivering out every hundred weight of powder, and in proportion for a greater or less quantity.

SEC. 11. *And be it further enacted*, That no person whosoever shall fire a gun or other fire-works within one hundred yards of the said powder-house, upon the penalty of two dollars for every such offence, to be recovered by the town treasurer for the use of said town.

SEC. 12. *And be it further enacted*, That no ship or vessel having more than five barrels of gunpowder on board, shall come to anchor in the harbor of Newport, anywhere to the eastward of Goat-Island, and lie there more than twenty-four hours, after notice and warning shall be given by the president of the town council of the said town, upon the penalty of two dollars per barrel for every barrel of gunpowder on board such ship or vessel, coming to and remaining at anchor contrary to this act, to be recovered of the master, supercargo or owner of such ship or vessel, by the town treasurer of the said town, to and for the use of said town.

SEC. 13. *And be it further enacted*, That all the fines that shall accrue by this act, shall be recovered by the town treasurer before any two justices of said town, by action of debt, except where it is otherwise directed in this act. [Passed 1822.]

AN ACT RELATING TO THE FIRE ENGINE COMPANIES IN THE TOWN OF NEWPORT.

Town Council authorized to appoint fire-engine men for the several companies.

Be it enacted by the General Assembly, and by the authority thereof it is enacted, That the town council in the town of Newport be, and they hereby are, authorized to appoint, from time to time, so many fire-engine men to compose and constitute the several fire-engine companies in that town as said town council shall find necessary. [Passed February, 1836.

AN ACT TO ENLARGE AND EXPLAIN THE POWERS OF THE TOWN MEETINGS AND TOWN COUNCIL OF THE TOWN OF NEWPORT.

1. Power to make by-laws relative to obstructions in harbor, &c.
2. Power to make by-laws relative to wharves, &c.
3. Power to appoint a harbor-master, and to make by-laws relative to his duty.
4. Power to exercise powers granted to Providence relative to the house of correction.
5. Power to regulate slaughter-houses, and make by-laws relative to police matters generally.
6. Power to impose penalties.

Be it enacted by the General Assembly, as follows:

SECTION 1. The town of Newport shall have power to make by-laws to prevent and remove encroachments or obstructions in the harbor and cove above the bridge in said town, and in the public waters thereof: and the continuance of any such encroachment or obstruction, after notice to the offender by order of the town, shall be deemed a new offence, at the expiration of every month during such continuance.

SEC. 2. Said town shall have power to make by-laws relative to the wharves and docks, and to the anchoring and mooring of vessels in said harbor.

SEC. 3. The town council of said town, or the freemen thereof, whenever they think proper, shall have power to appoint a harbor master for the port and harbor of Newport: and to make such by-laws and ordinances not repugnant to the laws of the State or of the United States, and to establish such fees and compensation as they may deem necessary and expedient for the execution of the duties of said office free of expense to said town.

SEC. 4. Said town of Newport shall have and may exercise all and any of the powers granted in an act entitled "An act to authorize the city of Providence to establish a house of correction and for other purposes," and may adopt, apply and enforce all or any of the provisions contained in said act, so far as the same may be useful in the government of said town, and not inconsistent with its condition and

ordinances: and the powers and duties of such officers as may be employed to execute the by-laws which may be made by said town, in pursuance of the powers granted to said town in this section, shall be the same as those prescribed in said act.

SEC. 5. Said town of Newport shall have power to make by-laws for the government of said town, relative to slaughter-houses, and to public markets, and market-places and the trade thereof: relative to nuisances within said town; relative to public buildings and walks; and to trees planted for ornament or use; relative to pilotage and pilots which said town may appoint and regulate; relative to sweeping of chimnies; and to fire-engines and machines; relative to a public watch, and the security of the town from riotous and disorderly persons, and the keeping disorderly houses; relative to taverns, cook-shops, oyster-houses and other places of entertainment, and to the assize of bread; relative to public shows, exhibitions and spectacles, and to the regulation of theatres and other places of amusements; and relative to burying grounds and the burial of the dead in said town, with power to prohibit and prevent the burial of the dead in such parts of said town as it may deem prejudicial to the inhabitants to have appropriated to such use.

SEC. 6. The town council of said town shall be authorized to exercise all such powers granted in this act, as said town may, from time to time, refer to the government and regulation of said town council; and nothing in this act contained, shall be construed to impair or repeal any power heretofore vested by law in said town or town council; nor to exempt offenders from the punishment or penalties already prescribed by law of the State, for any of the offences herein made punishable: *provided*, That no offender shall be twice punished for the same offence. Said town and town council shall have power, respectively, to impose penalties for the violation of any of its by-laws, not exceeding twenty dollars for any one offence; to be recovered by action of debt or by com-

plaint, in the name of the town treasurer for the use of the town, before the court of justices in said town: but no by-law made by said town or town council, repugnant to the laws of the State, shall be valid. All by-laws made by said town or town council, shall be published as soon as may be, in one or more of the newspapers printed in said town. [Passed June, 1839.]

AN ACT IN RELATION TO OBSTRUCTING THE WATERS IN THE HARBOR OF NEWPORT.

Coal-cinders, ballast, &c., not to be thrown into the harbor from any steamboat or vessel—penalty.

It is enacted by the General Assembly, as follows:

Each and every owner, and each and every person having charge of any steamboat, or any other vessel, scow, boat or raft of any kind, who shall hereafter throw overboard, or permit to be thrown overboard, from said steamboat, or any other vessel, scow, boat or raft of any kind, any coal-cinders, ballast, or any other material that will lessen the depth and thus obstruct the waters in the harbor of Newport, within the north point of Fort Adams and Coaster's Harbor Island, shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty dollars, for each and every offence: to be recovered in an action of debt, in the name of the town treasurer of said town of Newport, before any court of competent jurisdiction to try the same; one half to and for the use of the person informing of the same, and the other half to and for the use of said town of Newport; and all forfeitures that may accrue under this act shall be prosecuted for within six months thereafter. [Passed October, 1844.]

AN ACT CONFERRING ADDITIONAL POWERS UPON WATCHMEN IN THE TOWN OF NEWPORT.

It is enacted by the General Assembly, as follows:

SECTION 1. All watchmen that now are or hereafter may be legally chosen or appointed as such by the town or town council of the town of Newport, while actually on duty as such, and for the purposes of this act alone, shall be, and they hereby are, vested with all the powers of constables and conservators of the peace as now by law established, and shall be severally sworn or engaged in the same manner as other town officers now are.

SEC. 2. It shall be lawful for such watchmen or any of them when on duty as aforesaid, between the hours of eight P. M. and 6 A. M., among other things, to arrest all persons found in affrays or riots; all persons committing, or whom they suspect to be committing, felony; all disturbers and breakers of the peace; all persons assembled to disturb worshipping assemblies; all persons unusually or dangerously armed; all suspicious night-walkers, whether known or unknown, who give no satisfactory account of themselves, and all disorderly persons whatsoever; and the same so arrested, to take forthwith to the captain of the watch at the watch-house, whose duty it shall be to examine into the matter; and in his discretion to discharge such person or persons immediately, or detain them until morning, or commit them to jail for examination by one or more of the justices of the peace of said town, upon complaint made according to law.

SEC. 3. It shall be more especially the duty of said watchmen, in case of fire in said town, whether by day or night, to preserve order, to arrest and detain thieves, and prevent the wanton destruction of property. *Provided, however,* that no person shall be held in custody under this act upon arrest without process, for a longer space of time than fifteen hours, at any one time. [Passed January, 1844.]

AN ACT IN AMENDMENT OF AN ACT CONFERRING ADDITIONAL POWERS UPON WATCHMEN IN THE TOWN OF NEWPORT.

Watchmen clothed with powers of Constables while actually on duty.

It is enacted by the General Assembly, as follows:

SECTION 1. The second section of the act of which the present act is in amendment shall be, and the same is hereby so far altered, that the time designated in said section, within which the powers conferred on watchmen in said town may be exercised, be, and the same is extended to the whole time said watchmen shall be actually on duty by order of the town, or town council of said Newport. [Passed January, 1847.]

AN ACT FOR ELECTING A JUDGE OF PROBATE FOR THE TOWN OF NEWPORT.

1. Power to elect a Judge of Probate; all probate powers vested in him.
2. To hold court every Monday; to punish for contempt.
3. Town Clerk, until otherwise provided, to be clerk of Court of Probate; Judge of Probate may appoint clerk pro tem.
4. In cases where Judge of Probate is interested, President of town council to discharge duties of Judge of Probate.
5. Judge of Probate to alter forms of bonds, &c.; who to serve processes.
6. Fees and perquisites of Judge and Clerk of Court of Probate.
7. Repeal of laws vesting probate powers in town council.

It is enacted by the General Assembly, as follows:

SECTION 1. That it shall be lawful for the electors of the town of Newport, who are or may hereafter be qualified to vote in the election of general officers, at the annual town meeting for the election of town officers, to elect one of their number a judge of probate, in whom, when duly elected, shall be vested the same and exclusive jurisdiction in all probate matters as is now exercised by the town council of said town, sitting as a court of probate.

Sec. 2. Said judge of probate shall proceed and finish all and any unfinished business that may be pending before said town council as a court of probate. He shall hold a term of said court, for the transaction of business, on Monday of every week, with power to adjourn the same from time to time, and to punish contempts by fine and imprisonment.

Sec. 3. Until otherwise provided by a vote of the said electors of said town, the town clerk for the time being shall be also clerk of the court of probate; and in case of his death, or other disability, said judge shall and may appoint a clerk pro tempore, who, unless duly elected, shall serve as such only until the next annual election of town officers.

Sec. 4. In all cases in which the judge of probate shall be a party directly interested in the matter before said court, the duties of said judge shall be performed by the person then holding the office of president of the town council of said town, who shall therein be judge of probate *ex-officio.*

Sec. 5. It shall and may be lawful for said judge so to alter the forms of bonds, process and proceedings, as to adapt the same to the constitution, style and jurisdiction of the court; the process issuing from said court to have the same validity and extent, and be served and executed by the same officers as are the processes of other courts of probate, or of record: *provided, however,* that the same may also be served by the town sergeant or any of the constables of the town.

Sec. 6. Until other and further provisions shall therefor be made by said town, the same fees and perquisites shall be allowed and paid to said judge and clerk as are, and shall have been heretofore allowed and paid in said town, in similar cases, in the court of probate.

Sec. 7. From and after the election of such judge of probate, and his being duly engaged as aforesaid, all laws and parts of laws vesting jurisdiction in probate matters in the town council of said town, shall be and the same are hereby repealed. [Passed May, 1850.]

AN ACT TO ENLARGE THE POWERS OF THE TOWN COUNCIL OF NEWPORT.

Town Council may pass ordinances relative to speed of steamboats in the harbor, and fix penalties.

It is enacted by the General Assembly, as follows:

The town council of the town of Newport is hereby authorized and empowered to pass, ordain and establish such by-laws and ordinances as said town council may deem necessary and expedient to regulate the speed at which steamboats shall run in any part of the inner harbor of Newport, between the head of the Long Wharf and the south end of Fort Walcott, and to affix penalties for the violation of any by-laws and ordinances established by them, under the authority hereof, not exceeding five dollars for one offence; which penalties shall be recovered in the same way as penalties for the violation of ordinances of said town council now are. [Passed August, 1850.]

AN ACT GIVING ADDITIONAL POWERS TO THE TOWN COUNCIL OF THE TOWN OF NEWPORT.

Town Council authorized to make ordinances relative to the running at large of neat cattle, horses, &c.

It is enacted by the General Assembly, as follows:

SECTION. 1. The town council of the town of Newport are hereby authorized and empowered to enact and establish such ordinances in relation to the running at large of neat cattle and horses within the limits of said town, not repugnant to law, as they may deem just and proper. ***Provided***, that no penalty for the violation of any such ordinance shall exceed the sum of ten dollars. [Passed January, 1852.]

AN ACT IN RELATION TO THE PUBLIC WATERS IN THE HARBOR OF NEWPORT.

City Council to define limits for extending Long Wharf.

It is enacted by the General Assembly, as follows:

SECTION 1. The city council of the city of Newport is hereby authorized and empowered to define the limits within which the trustees of the Long Wharf in Newport may extend their wharf. *Provided*, that the extension of the said wharf within the limits defined by the said city council shall not in any way abridge or effect private rights. [Passed May, 1855.]

AN ACT TO AUTHORIZE THE CITY OF NEWPORT TO REGULATE HACKNEY COACHES AND OTHER VEHICLES.

1. City Council to have power to pass ordinances relative to hackney coaches, &c.
2. To affix penalties; all ordinances to be published daily, for one week.

It is enacted by the General Assembly, as follows:

SECTION 1. The city council of the city of Newport shall have power from time to time to make and adopt such rules and orders as to them shall appear necessary and expedient, for the due regulation, in said city, of omnibuses, stages, hackney coaches, wagons, carts, chaises and all other carriages and vehicles whatsoever, used or employed, wholly or in part, in said city, whether by prescribing their route and places of standing or in any manner whatsoever, and whether such carriages and other vehicles as aforesaid are used for burden or for pleasure, or for the conveyance of passengers and freight, or otherwise, and whether with or without horse

or other animal power; *provided*, that nothing contained in this act shall be construed to abridge or impair the rights of said city touching the subjects above provided for as they now exist by virtue of their charter and the amendments thereof.

SEC. 2. The city council of said city may annex penalties for the violation of any such rules and orders as are authorized in the first section, not exceeding twenty dollars in any one instance, which penalties may be recovered for the use of the city, by complaint and warrant before the *Court of Justices* of said city. *Provided*, that no such rule or order shall take effect or go into operation until the same shall have been published, daily, for at least one week, in some newspaper printed in said city. [Passed May, 1856.]

AN ACT IN AMENDMENT OF AN ACT ENTITLED AN ACT TO AUTHORIZE THE CITY OF NEWPORT TO REGULATE HACKNEY COACHES AND OTHER VEHICLES.

It is enacted by the General Assembly, as follows:

SECTION. 1. So much of the second section of an act entitled "an act to authorize the city of Newport to regulate hackney coaches or other vehicles," passed at the May session, 1856, as requires any ordinance, rule or order of the city council of said Newport in regard to the regulation of hackney coaches and other vehicles, to be published daily, for at least one week, in some paper published in said city, before the same take effect, is hereby repealed. [Passed January, 1858.]

OF THE QUORUM, GOVERNMENT AND CONDUCT OF TOWN MEETINGS, AND OF ORGANIZATION AND GOVERNMENT OF WARD MEETINGS.

1. How many electors constitute a town meeting.
2. Moderator of, when chosen.
3 and 4. Wardens and Ward Clerks of Providence and Newport and moderators and clerks of voting districts, when and how chosen.
5. Votes for, how counted, and election of, how declared and notified.
6. Term of office of, when to commence, and how long to continue.
7. Who to preside over town, ward and district meetings.
8. Of election of moderator, warden and clerk *pro tempore*.
9. Of new election of, in case of death, resignation or inability.
10. Of power of moderator and warden.
11. Power of, over disorderly persons.
12. Moderator, how to conduct in case of a motion made.
13. Vote, how to be taken in town elections, and where vote is by ballot.
14. Majority required in voting in town affairs.

SECTION 1. When the inhabitants of any town do not exceed three thousand by the last preceding census, seven electors at least shall be necessary to constitute a legal town meeting; and when the inhabitants of any town shall exceed that number, fifteen electors at least shall be necessary to constitute such meeting.

SEC. 2. At the annual town meeting of each town, there shall be chosen a moderator, to preside in all the town meetings, for the year, and until his successor is elected, and qualified by oath.

SEC. 3. Wardens and ward clerks, in the cities of Providence and Newport, and moderators and clerks of voting districts, shall be elected on the first Wednesday in April, in each year, and the voting for them shall continue during the whole time limited by law for voting on the day.

SEC. 4. The names of the candidates for warden, or moderator, and clerk, as aforesaid, shall be written or printed upon one piece of paper; and the ballots shall be handed openly by the voter, to the warden or moderator.

SEC. 5. The votes for warden or moderator and clerk shall be counted by the then warden or moderator or clerk,

and the election declared by the then warden or moderator, in open ward or district meeting; and notice of the new warden or moderator and clerk elected, be given by the then ward or district clerk, to the city or town clerk.

SEC. 6. The term of office of the warden or moderator and clerk, as aforesaid, then elected, shall commence at the first regular ward or district meeting held thereafter for the election of officers, and shall continue until others are elected and sworn in their places.

SEC. 7. In all meetings of the electors or voters in a town or district, the moderator, and of a ward, the warden, shall preside, if present.

SEC. 8. In case of his absence, or of the absence of the ward or district clerk, the town, ward or district, may elect a moderator or warden, or clerk, pro tempore; the town, ward or district clerk, and in case of the absence of the town clerk, the town treasurer, presiding in such election of the moderator or warden, and the warden or moderator at such election of a ward or district clerk.

SEC. 9. In case of the death, resignation or permanent inability of the moderator, warden, or ward or district clerk, the town, ward or district may proceed to a new election: the meeting for such purpose being presided over in like manner as for the election of such officer pro tempore.

SEC. 10. Every moderator or warden shall have power to manage and regulate the business of each meeting, conforming to law, and to maintain peace and good order therein.

SEC. 11. If any person shall conduct himself in a disorderly manner in any town, district or ward meeting, the moderator or warden may order him to withdraw from the meeting; and on his refusal, may order the town sergeant, or any constable present, or any other persons, to take him from the meeting, and to confine him in some convenient place until the meeting shall be adjourned; and the person so refusing to withdraw, shall, for each offence, forfeit a sum not exceeding twenty dollars, to the use of the town.

SEC. 12. The moderator of every town meeting shall, on a motion being made and seconded, relative to any business regularly before such meeting, after having heard all the electors entitled to vote thereon who shall be desirous of being heard, cause the votes of the electors present to be taken thereon.

SEC. 13. In all town elections and on all questions to be decided by ballot, the elector voting shall present his ballot to the moderator or warden without his name being written on the back or face of his ballot, and the votes shall be received by, and the ballot boxes shall be in charge of, the moderators or wardens, only; and like proceedings shall be had in such cases and in all town meetings, as far as may be, as are prescribed in the first, second, twelfth, thirteenth and fourteenth sections of chapter twenty-six.

SEC. 14. All questions relating to town affairs, shall be decided by a majority of the votes of the electors present, entitled to vote on the question. [Revised Statutes, 1857.]

OF THE TOURO FUND.

1. Clause of Abraham Touro's Will recited, and act of Assembly accepting trust and ordering investment of fund.
2. City Council of Newport to appropriate fund to its use, and to account to General Assembly.
3. Duty of City Council of Newport to recommend disposition of profits of fund.
4. City Council of Newport to draw for interest of fund, and expend same, and report to the General Assembly.

SECTION 1. The following act as passed by the General Assembly in June, 1823, and amended in June, 1827, and June, 1834, and now amended, shall continue in force:—

Whereas it has been made to appear to this General Assembly upon the representation of Titus Weeks, Esq., executor of the last will and testament of Abraham Touro, Esq., of the city of Boston, in the State of Massachusetts, that the

said Abraham by his last will bequeathed a legacy in the following words, viz: "Item.—I give ten thousand dollars to the legislature of the State of Rhode Island for the purpose of supporting the Jewish Synagogue in that State; in special trust to be appropriated to that object in such manner as the said legislature together with the municipal authority of the town of Newport may from time to time direct and appoint:" Therefore,

SECTION 1. *Be it enacted by the General Assembly, and by the authority thereof it is enacted,* That said legacy and trust be and hereby are accepted by the General Assembly; and the general treasurer is authorized and directed to apply for and receive from said executor, the said legacy or donation of ten thousand dollars, to give all proper receipts and acquittances therefor upon receipt thereof, and as soon as possible to vest the same entire in the stock of some substantial bank or banks or in some of the United States stocks; and the certificates or evidences of such stock shall be carefully kept by said general treasurer in his office; and it shall be the duty of said general treasurer once in every year to report to the general assembly the state of said fund.

SEC. 2. *And be it further enacted,* That the city council of Newport may and it shall be their duty to cause all repairs to be made upon said synagogue buildings and premises, and upon the wall inclosing the Jewish burying-ground in Newport, appurtenant to said synagogue, which in their opinion may be necessary and proper; and whenever there shall be no person of the Jewish persuasion residing in Newport, and qualified and authorized to have the care and superintendence of said synagogue, said council shall appoint some suitable person or persons for that purpose, with such compensation as said council with the approbation of the General Assembly shall think reasonable: *provided,* that all accounts and charges for expenditures of every kind out of said fund shall be presented to the General Assembly, and if approved of by them shall be paid by the general treasurer upon their order.

out of the interest or profits accruing on said fund: *provided, also*, that nothing in this act shall be construed to authorize said city council or any other person whatever in any manner to interfere with or restrain the full and free exercise of the Jewish religion in said synagogue, by any individual of that faith residing in Newport, or to interrupt the possession, control and management with which the proprietors of said synagogue and premises, or any other persons according to the laws and customs of the Jews, may be invested.

SEC. 3. *And be it further enacted*, That it shall be the duty of said city council, from time to time, as occasion shall present, to recommend to the General Assembly such disposition of the profits of said fund, and such measures and provisions as in their opinion shall be best calculated to promote and fulfil the object and intention of the donor, the said Touro, as expressed in his said will, in supporting and advancing said Jewish institution.

SEC. 4. *And be it further enacted*, That the city council of Newport be and they are hereby authorized, from time to time, as occasion may require, to draw on the general treasurer for the interest of the Touro Jewish synagogue fund, or so much thereof as may be necessary to keep said synagogue and premises in complete repair; and that said council make report of their expenditures to the General Assembly, annually, at the May session thereof. [Revised Statutes, 1857.]

OF COURTS OF MAGISTRATES OR JUSTICES.

SECTION 1. There shall be a court of magistrates in the city of Providence, to consist of three justices, with exclusive jurisdiction, within the city of Providence, in all civil actions and criminal cases and proceedings whatsoever, jurisdiction over which is or may be by law given to justices of the peace, as such, except as may be hereinafter, or by law provided.

SEC. 2. There shall be a court of justices in the city of Newport, to consist of three justices, with like jurisdiction within the city of Newport.

SEC. 3. There shall be a court of magistrates in the village of Woonsocket, to consist of a presiding justice and a clerk, with like jurisdiction in civil actions concurrent with other justices of the peace in the town of Cumberland, and with like exclusive jurisdiction in all criminal cases and proceedings within the following limits: beginning at the mouth of Peter's river, (so called,) thence northerly with said river to the Massachusetts state line, thence westerly along said state line to the Blackstone river, thence down said Blackstone river to the place of beginning.

SEC. 4. Said courts, and any similar courts hereafter created by the General Assembly, shall have any special jurisdiction which is or may be conferred by charter or law upon justices of the peace within their respective jurisdictional limits; and may, if no special court exists or is created by charter or law for that purpose, have original jurisdiction of all suits and complaints for offences against the by-laws, ordinances and regulations of their respective towns or cities, whether passed by the towns or cities, or under the law, by the proper constituted authorities thereof.

SEC. 5. No court of magistrates or of justices shall record or place on file in the office of the clerk of such court, the declaration of any alien of his intention to become a citizen of the United States, or take cognizance of the petition of any alien to become naturalized as such citizen.

SEC. 6. The justices or members of said courts shall be elected annually by the General Assembly in grand committee, out of the justices of the peace elected for, and resident within their respective jurisdictional limits.

SEC. 7. Said courts, and any similar courts hereafter created by the General Assembly, shall annually elect from their number, a presiding justice, and the same or a different member of the court, as a clerk, unless otherwise by law provided.

SEC. 8. In case of death, resignation, absence or inability, they may from their own number appoint a presiding justice or clerk, either pro tempore or for the remainder of the year, as the case may require.

SEC. 9. Before entering upon the duties of his office, the clerk of the court of magistrates in the city of Providence shall give bond, with sufficient security, to the general treasurer, in the sum of three thousand dollars, and each of the clerks of the other similar courts now existing, or hereafter to be created, unless otherwise specially provided, in the sum of one thousand dollars, with condition faithfully to perform the duties of his office according to law, to record seasonably the judgments and determinations of said court, and to account with the state auditor and to pay over to the general treasurer, as often as by law required, all fines, costs and other moneys by him received, belonging to or payable to the state.

SEC. 10. A majority of the existing members of such court shall constitute a quorum if there be no more than two, otherwise one member; and one member, if but one be present, shall in all cases have power to adjourn the court. In case of the absence or inability of all the members, any justice of the peace residing within the jurisdictional limits of the court, may adjourn the court, and continue all business pending before it.

SEC. 11. Such court shall have power to adopt a seal and may issue writs of habeas corpus to bring before them any person in the jail of the county, for trial in any criminal case lawfully pending in said court, or to bring in any such person to be examined as a witness in a suit or proceeding, civil or criminal, pending in said court, that the ends of justice may be attained, and for no other purpose whatever.

SEC. 12. It shall be the duty of such court to hear and determine all matters lawfully brought before them.

SEC. 13. It shall be the duty of the clerk of such court:—

First. To keep a docket of all actions, complaints or proceedings, either of a civil or a criminal nature, that may be entered or had in said court, and to note in the same against each case, the judgment therein, or the determination thereof, and in all criminal cases, the fine or imprisonment to which the defendant may be sentenced.

Second. To record the judgments and proceedings of said court in a book to be kept for that purpose.

Third. To tax the costs, including officers' fees, in all cases, civil and criminal, that may be entered, commenced or pending in said court, subject to the revision of the other members or member of said court; and in criminal proceedings, in which the complainant is not required by law to give surety for costs, to tax the costs in a separate book to be kept for that purpose, the same to be from time to time examined, revised and certified by the other members of said court.

Fourth. To receive all fines and costs in criminal cases, and all justice's fees in civil and criminal cases, and to account with the state auditor and pay over to the general treasurer all said fines, and all said justice's fees, and all said costs or other moneys belonging or by law payable to the state, as often as by law required.

SEC. 14. For any wilful neglect of the cerk, or member of said court performing the duties of clerk, to account, as aforesaid provided, or for any wilful neglect or refusal of any member of said court to pay over all fines and costs by him received, he shall be fined fifty dollars for each offence, and also double the amount of fines by him received and so detained.

SEC. 15. The clerk of such court shall not be re-eligible to said court, unless prior to his re-election, he shall have faithfully and seasonably recorded the judgments and proceedings of said court, and shall produce to the *General Assembly* at the May session thereof a certificate from one of

the justices of the Supreme Court that he has faithfully and fully kept and made up said records.

SEC. 16. Original writs in civil cases, and all executions and other processes, except summons to witnesses, returnable to such court, shall be signed by the clerk thereof, under the seal of said court, said original writs in blank or otherwise, and shall bear teste of the presiding justice of such court.

SEC. 17. Whenever the presiding justice of such court shall be a party to any writ, execution, or other process returnable thereto, the same shall bear teste of one of the other justices of such court; and whenever the clerk shall be a party thereto, shall be signed by one of the other justices of such court.

SEC. 18. Summons to witnesses in cases, civil or criminal, pending before such court, may be signed by any member thereof.

SEC. 19. The forms of writs, executions and summons, in civil cases, returnable to such court, shall be substantially the same as those returnable to justices of the peace in other towns.

SEC. 20. No civil action shall be considered as entered in, or be received by such court, until the entry fee shall have been paid.

SEC. 21. In each civil case entered in such court, in which judgment shall be rendered, the sum of fifty cents shall be allowed for attendance of the party recovering judgment; but the said sum of fifty cents so taxed for attendance as aforesaid, shall not be received by the clerk of the court, but shall be taxed in the bill of costs to and for the use of the party recovering judgment: *provided*, that when an appeal shall be taken from such court in any civil case, the clerk thereof shall receive all the taxed costs that are paid upon such appeal, and shall account for the said attendance fee of fifty cents with the party recovering judgment, or his attorney of record, and shall pay over all the other costs in each case appealed as aforesaid to the persons by law entitled to the same.

Sec. 22. Such court, except as is hereinbefore provided, shall tax the same fees as may be allowed by law to be taxed by justices of the peace in similar cases.

Sec. 23. In all criminal cases in such court, the proceedings therein shall be commenced by complaint and warrant in the manner by law prescribed for the commencement of criminal cases before justices of the peace.

Sec. 24. The warrant may be signed by either member of the court; and either member may arraign and require the person apprehended to plead thereto; may sentence him, if he plead guilty, or that he does not wish to contend, to an offence within the jurisdiction of the court to try and determine; or if he waive examination in case of an offence beyond the jurisdiction of the court, may bind him over to the next court, to be holden in the county having jurisdiction of the offence, taking recognizance for his appearance therein, and committing him for want of such recognizance, as such court might do; or, if the person charged shall plead not guilty, or such member shall not think proper to pronounce sentence or take recognizance as aforesaid, may require from such person a recognizance to appear before such court to answer the complaint whenever it shall be called for hearing, and to abide and perform the sentence and order of the court thereon.

Sec. 25. In default of such last named recognizance being given, either member of such court may commit the person so apprehended to the jail in the same county, there to remain until he give such recognizance, or until he be otherwise lawfully discharged therefrom; and any one of said justices is empowered to sign a mittimus for said purpose; and the same fee shall be taxed for taking said recognizance as if the same were taken to a higher court.

Sec. 26. Such court shall be considered to be in session at all times for the transaction of such criminal business as shall be legally brought before it, and for the return of civil process; and on two days at least, in each week, for hearing

and determining petitions or motions in civil causes and for the trial of civil actions; the time of entering said actions and filing answers thereto, and the manner and order of said trials, to be determined by rules to be established by such court.

Sec. 27. All the proceedings in such court, in the hearing, trial and determination of all actions and complaints pending before them, and in all matters relating thereto, shall be substantially the same as the proceedings in like cases before justices of the peace; and the court shall have all powers necessary or proper to enable them to discharge their duties therein, in the same manner as justices of the peace in like cases.

Sec. 28. Whenever any person is brought before such court charged with an offence, the punishment whereof is beyond the jurisdiction of said court, or is so placed within the jurisdiction of the court trying him, that it may or may not exceed the jurisdiction of the court, the said court may proceed to an examination, and in case he be adjudged probably guilty of an offence, the punishment whereof is beyond the jurisdiction of said court, shall bind him by recognizance with surety or sureties in such sum as they think proper, to appear at the next term of the supreme court, or court of common pleas for the county, and not to depart therefrom without leave, and in the mean time to be of good behavior and keep the peace; or if the case be within their jurisdiction, according to their discretion aforesaid, may proceed to trial of such person; and if he be found guilty, to sentence him to a punishment within their power to inflict, or should they deem such punishment inadequate to the offence, may bind him over by recognizance with surety or sureties as aforesaid.

Sec. 29. Any person refusing to give recognizance when required by such court, shall be committed to the county jail, until such recognizance be given, or he be lawfully discharged therefrom according to law.

Sec. 30. Appeals from the judgments of such courts, in

matters civil and criminal, may be taken in the same manner as is or may be by law provided for appeals from judgments rendered by justices of the peace.

Sec. 31. Whenever a vacancy shall happen in such court from death, resignation or otherwise, the same shall be supplied by the General Assembly in grand committee at the session during which or next after the vacancy shall occur: *provided*, that whenever any vacancy shall happen in such court from death, resignation or disability of any of the members thereof, which shall be likely to be of inconvenient duration, the Governor is authorized to commission any justice of the peace residing within said limits, to perform the duties of the office so rendered vacant, until such disability is removed, or until the next session of the General Assembly; and the person so commissioned shall be subject to the same duties and obligations, and be entitled to the same compensation during the time of his appointment, as are imposed and conferred by law upon the person elected to that office.

Sec. 32. The court of magistrates of the city of Providence is authorized to take jurisdiction over all writs, complaints, warrants, citations, and all other processes, which on the first day of June, in the year 1854, were commenced in or pending before the court of magistrates in the city of Providence theretofore existing, or which had been issued out of, or returnable to said court, in the same manner, and to the same extent, as if said writs, complaints, warrants, and other processes were commenced in, were pending before, or were issued out of, and returnable to the court then by law established in its place and hereby continued.

Sec. 33. The records and papers of all former courts of magistrates established by law in the city of Providence, shall be and continue in the custody of the clerk for the time being of the present court of magistrates, who shall continue to have power to issue executions and to certify copies of said records and papers, and in general to do all matters and

things pertaining to the same, in the same manner, and with the same effect, as he is authorized to do in relation to the records and papers of the court of which he is, or shall be clerk.

SEC. 34. The records and papers of the former court of magistrates in the village of Woonsocket, shall be and continue in the custody of the clerk of the court of magistrates of the village of Woonsocket now by law established, who shall have full power to issue executions and to certify copies of, and in general to do, all things appertaining to such records and papers, in the same manner, and with the same effect as he is authorized to do in relation to the records of the present court. [Revised Statutes, 1857.]

OF THE SUPPRESSION OF CERTAIN NUISANCES.

1. Buildings used for certain purposes declared common nuisances.
2. Penalty for keeping such common nuisances.
3. Evidence, what is sufficient to establish as a common nuisance, premises used for the illegal sale of strong liquors.
4. Leases of premises used for purposes declared nuisances to be void.
5. Persons letting or permitting their buildings to be used for such purposes, or after notice of such use, neglecting to eject tenants, deemed aiders of such nuisance.
6. Town Councils may pass ordinances for the abatement of, and may remove such nuisances.

SECTION 1. All buildings, places or tenements used as houses of ill-fame, resorted to for prostitution, lewdness, or for illegal gaming, and all grog-shops, tippling-shops, or buildings, places or tenements used for the illegal sale or keeping of intoxicating liquors, or where intemperate, idle, dissolute, noisy or disorderly persons are in the habit of resorting, are hereby declared to be *common nuisances*, and are to be regarded as such.

SEC. 2 Any person keeping or maintaining any such common nuisance, shall be fined not less than one hundred dollars, nor more than one thousand dollars, or be imprisoned not less than sixty days nor more than one year, such person to be proceeded against by indictment.

SEC. 3. It shall not be necessary to prove an actual sale of intoxicating liquors in any building, place or tenement, in order to establish the character of such premises as a common nuisance; but the notorious character of any such premises, or the notoriously bad or intemperate character of persons visiting the same, or the keeping of the implements or appurtenances usually appertaining to grog-shops, tippling-shops, or places where intoxicating liquors are sold, shall be *prima facie* evidence that such premises are nuisances within the meaning of the first section of this chapter.

SEC. 4. If any person, being a tenant or occupant under any lawful title, of any building or tenement not owned by him, shall use said premises or any part thereof for any of the purposes enumerated in the first section of this chapter, such use shall annul and make void the lease or other title under which said occupant holds, and without any act of the owner, shall cause to revert and vest in him the right of possession thereof, and said owner may make immediate entry, without process of law, upon the premises.

SEC. 5. If any person shall knowingly let any building or tenement owned by him or under his control, for any of the purposes enumerated in the first section of this chapter, or shall knowingly permit any such building or tenement, or part thereof, to be so used while under his control, or shall, after five days notice from any officer or magistrate of any such use of said building or tenement, omit to take all reasonable measures to eject the said person or persons from said premises as soon as the same may lawfully be done, he shall be deemed and taken to be guilty of aiding in the maintenance of such nuisance, and shall be fined not less than one hundred dollars nor more than one thousand dollars, or be

imprisoned in the county jail not less than sixty days, nor more than one year.

SEC. 6. The town councils of the several towns, and the board of aldermen of the cities of Providence and Newport are hereby empowered to pass such ordinances, not inconsistent with this chapter, as they may deem most effectual for the prevention, suppression or abatement of any such nuisance as is described in the first section of this chapter, or the said town councils or boards of aldermen may remove or cause to be removed any such nuisance in the same manner as is by law provided for the removal of other nuisances. [Revised Statutes, 1857.]

OF THE INSPECTION AND SURVEY OF LUMBER.

33. City Council of Newport to elect one or more surveyors of boards, &c., in the month of February.

34. Every surveyor subject to provisions and penalties of act.

SECTION 33. The city council of the city of Newport shall annually, in the month of February, elect one or more surveyors and measurers of boards, planks, timber, joist and scantling, removable at the pleasure of said city council, who shall each give bond, with two sureties, in the sum of one thousand dollars, to the city treasurer, for the faithful discharge of the duties of said office.

SEC. 34. Every surveyor and measurer of boards, planks, timber, joist and scantling, appointed by the town council of any town, or by the city council of the city of Newport, shall be subject to all the duties, provisions and penalties contained in this chapter. [Revised Statutes, 1857.]

CARE AND DISCIPLINE OF JAILS.

8. Authorities of Newport to make use of Jail for the commitment of Vagrants.

14. Persons not allowed to pass any article to prisoners, or to converse with them—penalty.

SECTION 8. The proper authorities of the city of Newport are hereby authorized, so far as may be consistent with the other purposes for which said jail was erected, to make use of the county jail in the county of Newport, as a place for the commitment of vagrants; and said city shall be liable to pay to the keeper of said jail for the time being, such sum for the weekly support of each and every person committed to the jail in said county, by virtue of the provisions of this chapter, as shall be allowed and paid by the state, from time to time, for the weekly support of each state prisoner in said jail: *provided*, that the keeper thereof shall not be liable for damâges or costs in any suit which may be brought by any person or persons who may be committed to said jail, under the authority of this chapter.

SEC. 14. If any person shall have communication, by conversation or otherwise, with, or convey any tools, wine, strong drink, letters or any other articles to, any person confined in jail, from the outside of said jail, such person shall, upon conviction, be fined for each offence not exceeding fifty dollars, or be imprisoned not exceeding sixty days. [Revised Statutes of 1857.]

OF THE MEASURE AND SALE OF GRAIN, SALT AND SEA-COAL.

SECTION 1. The towns of Newport, Bristol, Warren, Warwick, East Greenwich, North Kingstown and North Providence shall, and any other towns may, at any annual meeting for the choice of town officers, elect in each of said towns respectively not exceeding two persons, to be measurers of grain, salt, shorts and sea-coal. The city council of the city of Providence, at the time of the election of city officers, shall elect at least two such measurers for said city.

SEC. 2. Such measurers may appoint as many deputy measurers, and employ as many assistants as they may deem expedient, who shall be engaged to the faithful performance of their duties.

SEC. 3. The measurers shall measure or cause to be measured in their presence, and shall certify the measure of all corn, rye, oats, barley and other grain, and all shorts, salt and sea-coal, imported into such town from without the limits of this State that shall be sold and delivered from any vessel or water craft in said town, in any quantity exceeding twenty-five bushels at one sale, to one person or company.

SEC. 4. The measurers shall receive as compensation, for every bushel of grain, shorts, salt or sea-coal aforesaid, by them measured and certified, where the same shall exceed one hundred and fifty bushels, one half of one cent per bushel, and for any quantity less than one hundred and fifty bushels, one cent per bushel; to be paid by the vender upon the tender of the certificate of the measurers; the vender charging one half of the same to the purchaser, unless otherwise by them agreed; but no measurer shall be entitled to

receive more than one half of one cent per bushel for measuring, when the quantity shall exceed one hundred and fifty bushels, delivered from the same vessel.

SEC. 5. The measurers or their deputies shall measure and certify as aforesaid, in all cases of sale and delivery of said articles in the towns where they are appointed, in quantity aforesaid, from any store or other places of selling in said towns, whenever a dispute shall arise between the seller and purchaser, if called on for that purpose by either party; for which duty they shall receive the same compensation, and payable in like manner as hereinbefore provided.

SEC. 6. Every person who shall sell and deliver from any vessel or water-craft in said towns, any such grain, shorts, salt or sea-coal, in a quantity exceeding twenty-five bushels, at one sale and delivery, without having the same duly measured and certified as aforesaid, by one of the said measurers, or shall refuse to permit a measurer or deputy to measure such articles when sold from any water-craft, shall forfeit fifty dollars for each offence; one half thereof to the use of the person who shall sue for the same, and the other half to the use of the town where the offence shall be committed.

SEC. 7. Any measurer or any deputy-measurer who shall, after being duly requested to perform any of the duties prescribed by this chapter, and after tender of his fees therefor, refuse or neglect so to do, shall forfeit ten dollars for each offence; one half thereof to the person who shall sue therefor, and the other half to the use of said town where such neglect occurred.

SEC. 8. Nothing in this chapter shall be construed to apply to or effect the sale, delivery or measuring of any of the articles aforesaid, in the sale whereof it shall have been contracted by the seller and purchaser that the same shall be sold and delivered at custom-house measure; the same being measured under the inspection of a custom-house inspector; or to the sale of grain where the contract is that it shall be delivered by weight. [Revised Statutes, 1857.]

OF WEIGHTS AND MEASURES.

SECTION 1. The set of standard weights and measures received from the Secretary of State of the United States, shall be the authorized public standards, by which all weights and measures shall be tried, proved and sealed, and shall be placed, subject to the control of the General Assembly, from time to time, in the keeping of such professor in Brown University as the said corporation shall designate as agent to take charge of the same.

SEC. 2. If any sealer of weights and measures shall seal the same otherwise than according to the standard provided in the preceding section, he shall be fined not less than one hundred dollars, nor more than five hundred dollars.

SEC. 3. Whenever any commodity shall be sold by the hundred weight it shall be understood to mean the net weight of one hundred pounds, avoirdupois, and all contracts concerning goods sold by weight, shall be construed accordingly.

SEC. 4. Every public or town weigher of goods or commodities, shall weigh the same according to the provisions of the next preceding section, and make his certificate accordingly.

SEC. 5. If any such weigher shall offend against the provisions of the next preceding section he shall forfeit ten dollars.

SEC. 6. Every person who shall keep hay-scales or platform balances for public use, shall cause the same to be tried

and sealed,—if in the cities of Providence or Newport, or either of the towns of Bristol or Warren, at least once in every six months; and if in any other place, at least once in every year, by a sworn sealer of weights and measures.

SEC. 7. Every person who shall keep hay-scales or platform balances for public use, or who shall weigh or suffer to be weighed in such scales or balances any article of merchandise, unless said scales or balances shall have been tried and sealed, as provided for in the preceding section, shall forfeit twenty dollars.

SEC. 8. Whenever the owner or keeper of any such hay-scales or balances shall apply to the president of the town council (or to any person by him appointed for the purpose), of any town in which the office of sealer of weights and measures shall from any cause be vacant, to try said scales or balances, and to seal the same if found correct, such president or person so appointed, shall try said scales or balances and seal the same if correct; and in case of his neglect so to do, such owner or keeper shall be exempt from the forfeiture prescribed in the next preceding section. [Revised Statutes, 1857.]

OF TRAVELLING ON HIGHWAYS.

5. Rate of driving—penalty.

SECTION 5. Any person who shall ride or drive faster than a common travelling pace, in any of the streets of Newport or Providence, or in the compact part of any towns or villages in the state, or in either road leading from Pawtuxet to the compact part of Providence, shall, unless justifiable cause be made to appear for such riding, be fined not less than two dollars, nor more than twenty dollars, for each offence; one

half of said sum to the use of the complainant, and the other half thereof to the use of the town where the offence was committed. [Revised Statutes, 1857.]

OF DRAFTS AND CALLING THE MILITIA INTO SERVICE.

7. Who to call militia into service in case of riot, &c.

SECTION 7. When in any county in this State there shall be any tumult, riot, mob, or any body of men acting together, with intent to commit felony, to offer violence to persons or property, or in any other way to resist the laws of the state by force of arms, or by violence, or when any of said acts shall be threatened, and the fact made to appear to the commander-in-chief, or to the sheriff of said county, or to either of the justices of the supreme court, or if in any city, to the mayor of such city in the first instance, or in his absence, to the board of aldermen, the commander-in-chief shall issue his order, or such justice, sheriff, mayor or board of aldermen, shall issue his or their precept, properly signed, directing the commanding officer of the division, brigade, or chartered company, as the case may be, to order out his command, or any part of the same, to suppress such riot, tumult or mob, and to prevent the perpetration of any such felony, or act of unlawful violence. [Revised Statutes, 1857.]

OF AUCTIONEERS.

8. Per centage of auctioneers.

9. Newport may establish rules and regulations.

SECTION 8. When the whole amount of sales at any public auction shall not exceed four hundred dollars, the auctioneer shall have two and one half per cent. commissions; but if the amount exceed that sum he shall have only one and one half per cent.

SEC. 9. The towns of Newport, Providence, Bristol and Warren shall have power to establish such regulations for the conducting of sales and auctioneer's commissions in their respective towns as they may think necessary; anything in the next preceding section to the contrary notwithstanding. [Revised Statutes, 1857.]

OF THE REGISTERING, LISTING AND RETURNING LISTS OF VOTERS, AND OF PROOF OF THEIR QUALIFICATIONS TO VOTE.

20. Collectors of taxes, where to be on certain days before elections, or to appoint agent, and proof of payment of taxes to agent.

SECTION 20. It shall be the duty of the collector of taxes in each town, to be and remain in the town clerk's office, and in the cities of Newport and Providence, to be and remain at his own or at the town clerk's office, from and after the day of his receiving the copy of the registry, in the eighth section of this chapter mentioned, for at least six hours in each day, to wit: from twelve to six o'clock in the afternoon, during the six days, exclusive of Sunday, next preceeding the last four days before the day of the annual election for state officers, and one day before the fourth day next preceding any

other election; or in case of absence, to appoint some one as his agent, there to remain as aforesaid, during the period aforesaid, to receive the registry tax: *provided*, that the certificate of such payment shall, in case of payment to the agent, be under the hand of the collector, in order to avail as proof before the board of canvassers. [Revised Statutes, 1857.]

OF CANVASSING THE RIGHTS, AND CORRECTING THE LISTS, OF VOTERS.

5. Separate lists of voters in each ward to be made out and posted up.

17. City clerk to send certified lists to respective wards before opening of polls.

SECTION 5. In the cities of Providence and Newport, separate lists of the voters in each ward shall be made out by the mayor and aldermen, and the lists for each ward shall be posted up in some public place in the ward, and in the office of the city clerk.

SEC. 17. The town clerk of every town, divided into districts for the purpose of voting, shall send to the moderator of each of said districts a certified copy of the list for his district, before the time fixed for opening the district meetings for any election as aforesaid; and the city clerks of the cities of Providence and Newport shall, from the list of voters so corrected, make out separate lists of the voters of each ward in said cities, and send such lists, by them certified, to the clerks of the respective wards, before the time fixed for the opening of the ward meetings. [Revised Statutes, 1857.]

OF ELECTIVE MEETINGS.

Section 15. In the election of general officers, representatives to congress, and electors of president and vice-president of the United States, and of city officers of the cities of Providence and Newport, and when the vote is taken by ballot in the election of senators and representatives, to the General Assembly, the town meetings of the several towns, and the ward meetings in the cities of Providence and Newport shall be kept open for voting during the whole time of voting for the day.

Sec. 16. All town and ward meetings for the election of general officers, senators and representatives to the General Assembly, representatives to congress, and electors of president and vice-president of the United States, and for the election of city officers of the cities of Providence and Newport, shall be opened at ten o'clock in the forenoon, on the day of election.

Sec. 19. Ward meetings in the cities of Providence and Newport shall be kept open in all such elections until eight o'clock in the evening, and no longer. [Revised Statutes, 1857.]

OF THE MANNER OF CONDUCTING ELECTIONS.

Section 1. The moderator or warden of any town, ward or district meeting, shall receive the votes of all persons whose names are upon the list of voters, certified and deliv-

ered to him by the town clerk, and shall reject the votes of all persons claiming to vote whose names are not on said list; *provided*, that if any other voter whose name is upon any ward list in the cities of Providence or Newport, or upon any district list in any town, shall have removed to another ward or district after the making out of the ward or district list, or if the name of any voter shall have been placed upon the wrong ward or district list, every such voter shall be admitted to vote in the ward or district in which he resides, upon producing the certificate of the town clerk that his name is upon another ward or district list, duly prepared for the election at which he claims to vote. [Revised Statutes, 1857.]

OF THE ELECTION AND QUALIFICATION OF TOWN OFFICERS.

SECTION 9. In the cities of Providence and Newport, the number of justices of the peace to be elected shall be fixed by the city councils, and in towns divided into districts for the purpose of voting, by the town councils, and the voting shall be conducted in all respects as is prescribed by law for the voting for senators and representatives in said cities and towns.

SEC. 15. The mayors of the cities of Providence and Newport shall be elected by a majority of the electors voting for the candidates for said office, qualified to vote in the election of general officers.

SEC. 16. The names of the candidates for mayor, for aldermen and for city councilmen in said cities shall be respectively written or printed on separate ballots, and those of aldermen and councilmen shall be numbered on the ballots, and in counting shall be considered as separate places.

SEC. 17. No envelopes shall be used in the election of mayor, aldermen, common council, wardens or ward clerks of said cities.

SEC. 18. Unless some other form of oath be specially by law prescribed, every person elected to any town or city office, whether by the town, city council, or board of aldermen or town council, and every moderator, and warden, and ward and district clerk shall take the following engagement before he shall act therein, before a senator, judge, justice of the peace, public notary, the town clerk, the town council or a member of the town council: You do solemnly swear (or affirm), that you will be true and faithful unto this state, and support the laws and constitution thereof, and the constitution of the United States; and that you will well and truly execute the office of for the ensuing year, or until another be engaged in your room, or until you be legally discharged therefrom; so help you God; (or, this affirmation you make and give upon peril of the penalty of perjury).

SEC. 19. The magistrate administering the oath, shall make and deliver to such officer a certificate of the taking of such oath. [Revised Statutes, 1857.]

AN ACT CONFERRING CERTAIN POWERS UPON THE MAYOR OF THE CITY OF NEWPORT.

Mayor may enter houses of ill-fame, &c., and make arrests.

It is enacted by the General Assembly, as follows:

SECTION 1. The mayor of the city of Newport is empowered to enter any house or building in said city, which he has reasonable cause to suspect to be inhabited by persons of ill-fame, or to which persons of dissolute, idle, or disorderly character are suspected to resort; and if any dissolute, disorderly or vagrant persons are found assembled in or about any such house or building, he shall command all such persons immediately to disperse, if in his opinion the good order of any portion of the city requires it; and in case of neglect or refusal to obey such command, he is hereby authorized to commit any person or persons so disobeying to prison, for a term not exceeding forty-eight hours; and if need be he may require the aid of any sheriff, deputy sheriff, city sergeant, constable or watchman, or all of them, together with such other aid as may be necessary.

SEC. 2. This act shall go into operation immediately after its passage. [Passed May, 1857.]

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF NEWPORT TO ELECT SPECIAL CONSTABLES.

It is enacted by the General Assembly, as follows:

SECTION 1. The city council of the city of Newport are hereby authorized to elect such number of police constables for said city as they may deem expedient, who shall not be required to give any bond, nor shall they be authorized to

serve any civil processes for the collection of debt, but in all other matters they shall have the same power and authority as other constables, and they shall continue in office during the pleasure of said city council, and no longer.

SEC. 2. This act shall take effect from and after the passage thereof. [Passed January, 1858.]

AN ACT REGULATING THE SALE OF JUNK AND OTHER SECOND-HAND ARTICLES IN NEWPORT.

1. Board of Aldermen may license persons to purchase, sell and barter junk, &c.
2. License to fix the place of business—form.
3. Penalty for selling junk without license, or in violation of the directions in the license.

It is enacted by the General Assembly, as follows:

SECTION 1. The board of aldermen of the city of Newport may license such persons as they deem suitable, to be keepers of shops for the purchase, sale or barter of junk, old metals, or of other second hand articles, and to be dealers therein.

SEC. 2. The licenses of such persons shall designate the places where the business is to be carried on, and contain such conditions and restrictions as may be prescribed by the ordinances of said city, and shall continue in force for one year unless sooner revoked.

SEC. 3. No person, unless licensed as aforesaid, shall keep any shop for the purchase, sale, or barter of the articles aforesaid, or be a dealer therein; nor shall any person, so licensed, keep such shop or be a dealer in said articles in any other place or manner than as is designated in his license, or after notice to him that said license has been revoked, under the penalty of a sum not exceeding twenty dollars for every such offence, to be recovered by complaint and warrant in the name of the State, before any court competent to try the same. [Passed January, 1858.]

AN ACT FOR THE MAINTENANCE AND PRESERVATION OF THE PUBLIC HEALTH IN THE CITY OF NEWPORT.

1. Board of Aldermen authorized to make rules and regulations relative to privy-vaults, &c., location of stables, &c.
2. Board of Aldermen authorized to establish penalties for the violation of rules, &c., relative to same.
3. Decayed meats, vegetables, &c., to be forfeited and destroyed.
4. Penalty for selling or offering to sell all articles enumerated in section 3.
5. Board of Aldermen to issue notice to owner or occupant of building containing dirt, offal, &c., which is prejudicial to health.
1. Person neglecting or refusing to remove the same, inspector of nuisances to abate nuisance.
7. In case of infectious disease, inspector of nuisances to remove filth and cleanse premises.
8. When nuisance exists on board of vessels, to be abated.
9. Owner or master refusing to remove the same, to be abated by inspector of nuisances—penalty.
10. City Sergeant or Police Constables to serve processes.
11. Acts not inconsistent with this act to remain in force.

It is enacted by the General Assembly as follows:

SECTION 1. The board of aldermen of the city of Newport are authorized and empowered to make all such rules and regulations as they shall deem necessary to regulate and control the construction of all privy vaults, sinks, sink-drains, sink spouts and cesspools within the city of Newport, to prescribe the material of which the same shall be constructed, to fix the location of all privy vaults and cesspools, and the outlets of all sinks, drains, and sink-spouts, and to provide for the summary removal or reconstruction of all such as shall be by them deemed prejudicial to the public health; also to make rules prescribing the location of all stables within said city, and the time and manner of removing all manure therefrom, and regulating, controlling or prohibiting the keeping of all swine within said city, whether in, under, or about stables, or in any other locality.

SEC. 2. The board of aldermen are authorized to establish penalties for the violation of any of the rules and regulations which may be made by them in pursuance of section one of this act, not exceeding in each instance the sum of

twenty dollars for each day in which such violation shall be persisted in, to be recovered to and for the use of the city, upon complaint and warrant before the court of justices of said city.

SEC. 3. If any vegetable or fruit which shall be decayed, or any decayed, diseased, or unwholesome meat, fish, or other provisions, shall be in the possession of any person, or shall be sold, or offered or exposed for sale within the city of Newport, the same shall be forfeited; and the Board of aldermen are authorized and empowered to make all rules and regulations for the immediate seizure and destruction of the same, by such officer as they may appoint for that purpose.

SEC. 4. Any person selling, or offering or exposing for sale within the city of Newport, any of the articles declared to be forfeited by section three of this act, shall also forfeit and pay a penalty of not less than ten, nor more than twenty dollars for each offence, to be recovered to and for the use of the city, by complaint and warrant before the court of justices of said city.

SEC. 5. Whenever there shall exist in or upon any building or premises within the city of Newport, owned or occupied by any person, any dirt, offal, animal or vegetable matter, or other filth, which, in the opinion of the inspector of nuisances, is dangerous to the health of the occupants, or to the public health, it shall be lawful for the board of aldermen of said city to issue an order in writing, directed to the owner or occupant of such building or premises, directing him to remove such dirt or filth immediately, and to cleanse such building or premises by the use of whitewash or other disinfectants, in such manner as in said order shall be prescribed.

SEC. 6. In case the owner or occupant to whom such order shall be directed, shall neglect or refuse to comply therewith within twenty-four hours after the service thereof upon him, such owner and occupant shall forfeit and pay, to and for the use of the city, a penalty of not less than five,

nor more than twenty dollars, for each subsequent twenty-four hours during which he shall neglect or refuse to comply therewith, to be recovered by complaint and warrant before the court of justices of said city; and the inspector of nuisances is hereby authorized to go on and remove such dirt, offal, animal, or vegetable matter, or other filth, and to cleanse such building or premises in the manner prescribed in the said order; and the city treasurer shall pay the expense of such removal and cleansing, and the owner and occupant of such building or premises shall be severally liable for the same, which shall be collected from such owner or occupant by suit in the name of the city treasurer, and for the use of the city of Newport, before any court of competent jurisdiction.

SEC. 7. Whenever a case of infectious or contagious disease exists in any tenement, cellar, or building used as a dwelling place within the city of Newport, and any dirt, animal or vegetable matter, or other filth exists thereon, which, in the opinion of the inspector of nuisances, is prejudicial to the health of the inmates, or to the public health, the inspector of nuisances is hereby authorized to issue the order provided for in section five of this act, and in case of refusal or neglect on the part of the owner or occupant to remove such filth and cleanse such premises within twelve hours after the service upon him of such order, to go on and remove the same, and cleanse and disinfect such premises, in such manner as he shall deem proper; and the city treasurer shall pay the expense of all the same, and the owner and occupant of such premises shall be severally liable therefor, and the same shall be recoverable from such owner or occupant, by an action in the name of the city treasurer to the use of the city of Newport, before any court of competent jurisdiction.

SEC. 8. Whenever, in the opinion of the inspector of nuisances, the presence of any vessel or hulk in any particular locality within the city of Newport, whether the same

be used for navigation or otherwise, shall be prejudicial to the public health, it shall be lawful for the board of aldermen to issue an order in writing directed to the owner, master, or occupant of such vessel or hulk, ordering him to remove the same immediately to such place as shall be designated in the said order, and to cleanse such vessel or hulk, in such manner as shall be in such order prescribed.

SEC. 9. In case the owner, master, or occupant of such vessel or hulk shall neglect or refuse to remove and cleanse the same within twenty-four hours after such order shall have been served upon him, such owner, master or occupant, shall forfeit and pay, to and for the use of the city, a penalty of not less than ten nor more than twenty dollars for each subsequent twenty-four hours during which he shall neglect or refuse so to comply therewith; and the inspector of nuisances is hereby authorized to remove and cleanse the same, and the expense of such removal and cleansing shall be paid by the city treasurer, and shall be recovered from the owner, master or occupant of such vessel or hulk, by suit in the name of the city treasurer, to the use of the city of Newport, before any court of competent jurisdiction, and the amount of any judgment so recovered shall be a lien upon such vessel or hulk until paid.

SEC. 10. The city sergeant of the city of Newport, or either of the police constables of said city, is hereby authorized to make service of the orders provided for in sections 5, 7 and 8 of this act, and to make return of said service in writing to the authority which may have issued the same.

SEC. 11. No act, or part of an act, the provisions of which are not inconsistent with the provisions of this act, shall be repealed hereby, but the same shall be and remain in full force and vigor, but any act or part of an act inconsistent herewith, is hereby repealed. [Passed January, 1858.]

ORDINANCES

OF THE

CITY OF NEWPORT.

CITY ORDINANCES.

AN ORDINANCE ESTABLISHING THE ORDINANCES OF THE CITY OF NEWPORT, PRESCRIBING THE TIME WHEN THEY SHALL TAKE EFFECT, AND THE MANNER OF PUBLISHING THE SAME.

1. Ordinances to take effect April 15, 1858—titles of revised ordinances.
2. Previous ordinances repealed, saving vested rights, suits pending, &c.
3. 1100 copies of Charter, Laws and Ordinances to be printed and distributed.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. The several ordinances, the titles of which are hereinafter mentioned, are hereby declared to be the ordinances of this city; which said ordinances shall go into operation and effect on the fifteenth day of April, 1858:

An ordinance in relation to the ordinances of the city of Newport.

An ordinance in regard to exhibitions, &c.

An ordinance defining the duties of street commissioner.

An ordinance in relation to the burial of the dead.

An ordinance in relation to side-walks.

An ordinance to prevent overcrowded tenements.

An ordinance relative to keeping hogs in the compact part of the city.

An ordinance for the protection of public parks and commons.

An ordinance in relation to carts, drays and teams.

An ordinance in regard to removing buildings, digging up streets, &c.

An ordinance to prevent the cleaning of privy-vaults in the day time.

An ordinance for the better regulation of hacks and hackney coaches.

An ordinance in relation to the city beach.

An ordinance in relation to sand, stone and gravel, at Easton's beach.

An ordinance in relation to door-steps.

An ordinance in relation to throwing filth into the streets.

An ordinance to prohibit depositing coal ashes in the streets.

An ordinance defining the duties of certain city officers.

An ordinance to prevent unlawful assemblies.

An ordinance providing for the appointment of a city solicitor and prescribing his duties.

An ordinance prohibiting bathing in the harbor.

An ordinance in regard to monies in the treasury.

An ordinance in relation to quarantine.

An ordinance relative to closing stores and places of business.

An ordinance to prevent disturbances in the public streets.

An ordinance relative to sports in the streets.

An ordinance in relation to dogs.

An ordinance prohibiting the deposit of animal or vegetable matter in the harbor of Newport.

An ordinance in relation to nuisances.

An ordinance in regard to indecent exposure of person.

An ordinance in regard to defacing buildings, &c.

An ordinance relative to vagrants and disorderly persons.

An ordinance relative to truancy and absenteeism.

An ordinance relative to ringing bells.

An ordinance establishing the limits of the compact part of the city of Newport.

An ordinance in regard to awnings, shades, &c.

An ordinance to prevent injury to lamps, lamp-posts, &c.

An ordinance establishing a public pound.

An ordinance relative to trees.

An ordinance relative to the repairing of streets.

An ordinance relative to the court of probate.

An ordinance establishing the city seal, the seal of the board of aldermen and the seal of the court of probate.

An ordinance prescribing the duties of city clerk.

An ordinance in regard to joint standing and special committees.

An ordinance establishing a fire department.

An ordinance in regard to watchmen.

An ordinance relative to stacking hay, straw, &c.

An ordinance in relation to the sale of junk, and other second-hand articles.

An ordinance relative to drunkenness.

An ordinance in regard to the asylum on Coaster's-Harbor Island.

An ordinance in regard to sleighs, &c.

Sec. 2. All ordinances heretofore passed by the town or the town council of the town of Newport, or by the city council of the city of Newport, shall be and they are hereby declared to be repealed from and after the fifteenth day of April, 1858: *provided, however*, that nothing in this ordinance or in any of the above ordinances, shall defeat, discharge or in any way affect any right, title, interest, duty, obligation, penalty, forfeiture, claim or demand, which shall have vested, enured, accrued, or become forfeited by virtue of the ordinances now in force, or which shall be in force until the fifteenth day of April, 1858; nor shall anything in this ordinance, or in any of the ordinances herein before named, be construed to bar, discharge or abate any civil or criminal process whatsoever now pending, or which shall hereafter be commenced or pending, nor to mitigate, remit or discharge any criminal offence, or the punishment thereof, that shall have been committed before said last mentioned day.

SEC. 3. This ordinance and the ordinances, the titles of which are recited in the first section hereof, and such other ordinances which are not temporary as may be passed by the city council, previous to the fifteenth day of April, 1858, together with the city charter and the amendments thereto, and such laws of the state as are now specially applicable to this city, to be arranged in a suitable book, with a copious index, and proper notes of reference to each ordinance, shall be published immediately, and eleven hundred copies of the same properly distributed in this city.

AN ORDINANCE IN RELATION TO THE ORDINANCES OF THE CITY OF NEWPORT.

1. Style of enactment.
2. Ordinances to be published three successive weeks.
3. Fines and penalties for violations of ordinances to be recovered for use of city unless otherwise enacted or ordained.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. The enacting style of all ordinances of the city shall be,—

"*It is ordained by the City Council of the City of Newport, as follows:*"

SEC. 2. All ordinances enacted after the 15th of April, 1858, shall be by the city clerk published in some newspaper printed in this city, for three successive weeks; and such publication shall commence within one week after the passage of the ordinance.

SEC. 3. All fines and penalties for the violation of any of the ordinances of the city council shall be recovered by complaint and warrant or by other proper legal process before

any court of competent jurisdiction; and when recovered shall enure to the use of the city, except in those cases where it may be otherwise provided by the acts of the General Assembly, or the ordinances of the city.

AN ORDINANCE IN REGARD TO EXHIBITIONS, &C.

1. License to be first obtained.
2. Amount of license.
3. Person obtaining license to employ police officer to preserve order; duty of such officer.
4. License forfeited in certain cases.
5. Penalty for not obtaining license.

It is ordained by the City Council of the City of Newport, as follows:—

SECTION 1. No person or persons shall give or hold any exhibition, show or play, or any entertainment of any kind, in said city without first obtaining from the board of aldermen or the mayor, a license for the same.

SEC. 2. The amount of said license shall not be less than one dollar nor more than one hundred dollars.

SEC. 3. Every person or persons who shall obtain such license, shall, at his and their own cost and charge, employ some constable or other police officer to attend the exhibition, show, play or entertainment, for which such license is procured; and it shall be the duty of such officer to preserve order at and in the vicinity of such exhibition; and to keep the streets free from obstructions, and to prevent and suppress all nuisances in any way incident to such exhibition, show, play or entertainment.

SEC. 4. Any violation of the third section of this ordinance, shall operate as a forfeiture of the license for such exhibition, show, play or entertainment, and shall render the offender or offenders ineligible to obtain a license for any future exhibition, show, play or entertainment in said city.

ORDINANCES

OF THE

CITY OF NEWPORT.

SEC. 8. Any person other than such an undertaker, who shall manage and conduct a funeral, or inter or deposit in a vault or tomb, or remove from the city a dead body, shall first obtain permission in writing from the mayor, or the board of health, to do the same; and after said interment, deposit of a body, or removal is made, shall make return as is directed to be made by undertakers by the provisions of this ordinance; and for every neglect or refusal to obtain such permission, or to make such return, shall forfeit and pay the sum of ten dollars.

SEC. 9. All returns made by an undertaker or other person, shall be recorded by the city clerk, in a book to be kept expressly for that purpose.

SEC. 10. No undertaker or other person shall hereafter bury or cause to be buried, or deposit or cause to be deposiited in any vault or tomb, the body of any deceased person, in any grounds except the Common Burying Ground, the Island Cemetery, the Willow Cemetery, the Friends' Burying Ground on Green Lane, and the Roman Catholic Cemetery on Warner street, and the ground on Warner street, west of the Island Cemetery, or such as shall hereafter be designated by the city council as burying grounds, and authorized to be used as such, without first obtaining permission so to do of the city council; and every person so offending shall forfeit and pay for every offence the sum of fifty dollars. The inspector of nuisances is hereby directed to take up and remove to such burial ground or cemetery, in this city, as may be designated by the city council, and there decently inter any dead body which may hereafter be buried in violation of this ordinance, at the expense of the person or persons who shall have caused the said dead body to have been so illegally interred, to be recovered in an action before any court competent to try the same.

SEC. 11. The city clerk shall cause an abstract of the returns of deaths made to him to be published in the newspapers, the proprietors of which contract to do the city printing, monthly, and oftener if required by the board of health.

He shall also, on or before the third Monday of May, annually, prepare and present to the city council a statement of the number of births, of marriages solemnized, and of deaths which occurred in this city during the year ending with the 30th day of April next preceding, with such other information and suggestions in relation thereto as he may deem useful for the promotion of the public health and other interests of the city.

AN ORDINANCE IN RELATION TO SIDEWALKS.

1. No animal or vehicle to remain on sidewalk, or wood cut or coal broken there—penalty.
2. No goods, coal, &c., to be placed on sidewalk—penalty.
3. Snow to be removed from sidewalk—penalty.
4. Ice to be removed from sidewalk or suitably covered—penalty.
5. No barrier or lantern to be removed while street is being repaired—penalty.

It is ordained by the City Council of the City of Newport as follows:

SECTION 1. No person shall ride, drive or lead any animal or move or trundle any vehicle upon any sidewalk in said city, except light carriages for the conveyance of children, unless for the purpose of necessarily crossing the same; or allow any animal belonging to him or under his care to stand on such sidewalk; or shall saw, split or cut any fire-wood or lumber, or break up any coal on such sidewalk. Every person so offending shall forfeit and pay a fine of two dollars for each offence.

SEC. 2. No person shall deposit, place or put, or suffer to be deposited, placed or put, by any person or persons in his or her employ, any goods, wares, fire-wood, coal, or article of any kind, on such sidewalk, except while actually removing the same into or out of some building or enclosure. Every person so offending shall forfeit and pay for every offence not less than two dollars, nor more than ten dollars.

SEC. 3. The owner or owners, occupant or occupants, or any person having the care of any building or lot of land, bordering on any street, square, or public place within the city, where there is a sidewalk supported by a curb-stone, shall within the first five hours of daylight, after the ceasing to fall of any snow, cause the same to be removed therefrom, and in all streets where there is no curb-stone set, a pathway, at least four feet wide, shall be made for the convenience of passengers; and in default thereof, shall forfeit and pay a sum not less than two nor more than five dollars; and for each and every day that the snow shall remain on such sidewalks, such owner or owners, occupant or occupants, or other persons, shall forfeit and pay not less than two dollars nor more than five dollars.

SEC. 4. Whenever the sidewalks or any part thereof, adjoining any building or lot of land on any street shall be encumbered with ice, it shall be the duty of the owner or owners, occupant or occupants, or any person having the care of such building or lot, to cause such sidewalk to be made safe and convenient, by removing the ice therefrom or by covering the same with sand or ashes; and in case such owner or owners or other person shall neglect so to do, for the space of four hours during the daytime, he shall forfeit and pay a sum not less than two nor more than five dollars, and like sums for every day thereafter that the same shall continue encumbered.

SEC. 5. No person shall remove any barrier or lantern which may be placed by the street commissioner, or under his authority and direction, to protect the public from injury while any street is being repaired. Every person violating the provisions of this section shall forfeit and pay a sum of not less than ten dollars nor more than twenty dollars.

AN ORDINANCE TO PREVENT OVER-CROWDED TENEMENTS.

It is ordained by the City Council of the City of Newport as follows:

SECTION 1. Whenever it shall appear to the satisfaction of the board of aldermen that the number of persons occupying any tenement or building within the city is so great as to be the cause, in the opinion of said board of aldermen, of nuisance or sickness, said board may issue their warrant commanding the owner or owners of such tenement or building, to abate such nuisance by removing such number of his, her or their tenants as may be required, within such time as said board shall name. And if any owner or owners so commanded, shall omit or refuse to obey, he, she or they shall forfeit and pay the sum of twenty dollars.

AN ORDINANCE RELATIVE TO KEEPING HOGS IN THE COMPACT PART OF THE CITY.

It is ordained by the City Council of the City of Newport as follows:

SECTION 1. No person shall keep any hog or hogs within thirty feet of any dwelling house within the limits of the compact part of the city. Every person violating the provisions of this section shall forfeit and pay the sum of twenty dollars.

Sec. 2. Whenever any person shall keep any hog or hogs, or hog-pen within the limits of the compact part of the city, other than aforesaid, which shall be kept so filthy as to be prejudicial to health, shall upon conviction forfeit and pay a penalty of twenty dollars.

AN ORDINANCE FOR THE PROTECTION OF PUBLIC PARKS AND COMMONS.

Injury to public parks and commons forbidden—penalty.

It is ordained by the City Council of the City of Newport as follows:

Section 1. No person shall in any way cut, deface, or walk upon any of the fences around any of the public parks or commons within the limits of this city, or tread upon the grass-plats, or shake carpets or commit any nuisance whatever, or in any way deface or injure anything planted or growing upon or about said parks or commons. Any person violating the provisions of this ordinance shall forfeit and pay a penalty of five dollars, or be imprisoned not less than seven days nor more than twenty days.

AN ORDINANCE IN RELATION TO CARTS, DRAYS AND TEAMS.

Street commissioner to assign places for carts, drays, &c.; carriages not allowed to to stand more than ten minutes—penalty.

It is ordained by the City Council of the City of Newport as follows:

Section 1. It shall be the duty of the city marshal, from time to time, to assign places in the public streets which may be occupied by carts, teams, and drays, as stands, when

they are unemployed; and no person shall stop or suffer or permit his carriage, cart, team, or dray, or other vehicle to remain in the public street when unemployed, in any place other than such as shall be assigned by the city marshal. Neither shall any carriage or other vehicle stop or remain in one place in the public streets more than ten minutes at one time. Any person violating the provisions of this ordinance shall forfeit and pay a penalty of five dollars.

AN ORDINANCE IN REGARD TO REMOVING BUILDINGS, DIGGING UP STREETS, &C.

1. Buildings not to be removed, or streets opened without permission of city council or mayor.
2. Excavations to be made under direction and to satisfaction of street commissioner at expense of persons making them.
3. Penalty.

It is ordained by the City Council of the City of Newport as follows:

SECTION 1. No person or persons, or corporation shall be allowed to move any dwelling house, shop or other building, or open any drain or sewer, or otherwise break the ground or make excavations in the same, in any of the streets or highways of said city, for the purpose of making drains or sewers, or for laying gas or water pipes, or for any other purpose without previously obtaining permission of the city council, or the written consent of the mayor.

SEC. 2. Such excavations shall be made and the trenches shall be re-filled, the pavements re-set, and the streets and highways repaired under the direction and to the satisfaction of the street commissioner, at the expense of the person or persons or corporation, making such excavations or opening the streets or highways for the purposes specified in the first section of this ordinance.

SEC. 3. Every person or persons, or corporation violating any of the provisions of this ordinance, shall forfeit and pay a sum not less than five dollars nor more than twenty dollars.

SEC. 2. Whenever any person shall keep any hog or hogs, or hog-pen within the limits of the compact part of the city, other than aforesaid, which shall be kept so filthy as to be prejudicial to health, shall upon conviction forfeit and pay a penalty of twenty dollars.

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SEC. 2. Such excavations shall be made and the trenches shall be re-filled, the pavements re-set, and the streets and highways repaired under the direction and to the satisfaction of the street commissioner, at the expense of the person or persons or corporation, making such excavations or opening the streets or highways for the purposes specified in the first section of this ordinance.

SEC. 3. Every person or persons, or corporation violating any of the provisions of this ordinance, shall forfeit and pay a sum not less than five dollars nor more than twenty dollars.

SEC. 2. Whenever any person shall keep any hog or hogs, or hog-pen within the limits of the compact part of the city, other than aforesaid, which shall be kept so filthy as to be prejudicial to health, shall upon conviction forfeit and pay a penalty of twenty dollars.

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2. Excavations to be made under direction and to satisfaction of street commissioner at expense of persons making them.
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SEC. 2. Such excavations shall be made and the trenches shall be re-filled, the pavements re-set, and the streets and highways repaired under the direction and to the satisfaction of the street commissioner, at the expense of the person or persons or corporation, making such excavations or opening the streets or highways for the purposes specified in the first section of this ordinance.

SEC. 3. Every person or persons, or corporation violating any of the provisions of this ordinance, shall forfeit and pay a sum not less than five dollars nor more than twenty dollars.

AN ORDINANCE TO PREVENT CLEANING PRIVY VAULTS IN THE DAY TIME.

No vault to be opened in day time without permission of inspector of nuisances—penalty.

It is ordained by the City Council of the City of Newport as follows:

SECTION 1. No vault shall be opened in the day time, nor shall any cart or team, loaded with night soil, pass through any of the public streets of the city in the day time, between the rising of the sun and nine o'clock in the evening, without the permission of the inspector of nuisances. Any person violating any of the provisions of this ordinance shall forfeit and pay a fine of five dollars, or be imprisoned not less than five days nor more than twenty days.

AN ORDINANCE FOR THE BETTER REGULATION OF HACKS AND HACKNEY COACHES.

1. Hackney coaches and carriages to be licensed—penalty.
2. Board of Aldermen to grant license; carriages to be numbered; price of license to resident; price of license to non-resident—forfeiture.
3. Who may drive carriage—penalty.
4. Duty of drivers of carriages; their position at steamboats—penalty.
5. Carriages and vehicles of all kinds not allowed to remain standing in streets more than ten minutes—penalty.
6. Time carriages may go to steamboats—penalty.

It is ordained by the City Council of the City of Newport as follows:

SECTION 1. From and after the passage of this ordinance, every owner, proprietor or driver of any hackney coach or carriage used for the transportation of persons or passengers, in and about the city of Newport, shall be required to have each and all of said hackney coaches or carriages duly licensed and numbered, according to the provisions of this ordinance. Every person who shall violate the provisions of this

section, shall forfeit and pay a penalty of not less than five dollars, nor more than twenty dollars.

SEC. 2. It shall be the duty of the city clerk of the city of Newport, upon application being duly made to him for a license or licenses for carriages or hackney coaches, as aforesaid, to report the same to the board of aldermen at their next meeting, and if no cause be shown to the contrary, said board shall instruct the clerk to issue the license or licenses as aforesaid duly numbered and recorded, granting permission and authority to the owners, proprietors or drivers of said hackney coaches, to use the same for the purpose of conveying passengers in and about this city, subject to the provisions of this ordinance; and the owners, proprietors or drivers of said hackney coaches or carriages, which said hackney coaches or carriages are owned by a resident or tax-payer of this city, shall pay to the city clerk the sum of one dollar for each and every license so granted and issued, to and for the use of the city, and shall cause the number of said license to be immediately lettered or placed upon some *conspicuous* part of the carriage so licensed; said license to be valid and in force for and during the term of one year from the day of the date of its issue, and subject to forfeiture for the violation of any of the provisions of this ordinance. And the owners, proprietors or drivers of any hackney coaches or carriages who are not residents or tax-payers in this city, and which coaches or carriages are not owned by a resident or tax-payer of this city, upon license being granted them as aforesaid, shall pay to the city clerk, to and for the use of the city, the sum of *twenty dollars* for each and every license, and shall otherwise comply with all the provisions of this ordinance.

SEC. 3. No owner or proprietor of any hackney coach or carriage as aforesaid, shall allow the same to be driven, or in charge of any young boy, or unsuitable or careless person, under penalty of the forfeiture of his license.

SEC. 4. It shall be the duty of the driver, or person or persons in charge of any hackney coach or carriage at the

steamboat landings in this city, to remain by his or their carriage or coach either upon the box thereof, or in the *immediate vicinity* thereof, at time of the landing of a steamboat or vessel. And all carriages and coaches as aforesaid shall be subject to the instructions and directions of some suitable officer, stationed upon the wharf at the time of the arrival or departure of any steamer or other vessel; and he shall have full power and authority to direct and arrange the places of standing of said hackney coaches or carriages, and the arrangement thereof, and the duties and positions of the drivers and other persons attached thereunto; and any refusal or neglect to obey his instructions, by the owner or driver of any hackney coach or carriage or by any person or persons in his employ or attached thereunto, shall subject the owner or driver as aforesaid to the forfeiture of his or their license, and a penalty not exceeding *five dollars*.

Sec. 5. Every person who shall stop or leave any coach, wagon, chaise, barouche, cart or other vehicle of any kind, which is drawn by a horse or horses, in any of the streets, lanes, alleys or highways of this city, except as allowed by law, for more than ten minutes at any one time, shall forfeit and pay a sum not less than one dollar nor more than ten dollars.

Sec. 6. From the 15th of June to the 15th day of September, in each year, no coach, carriage, wagon or other vehicle, drawn by a horse or horses, for the transportation of passengers, baggage or freight, shall be allowed to be stationed on Sayer's wharf, in said city, before thirty minutes past ten, A. M., and thirty minutes past seven o'clock, P. M. And from the fifteenth day of September to the fifteenth day of June, in each year, no coach, carriage, wagon or other vehicle, drawn by a horse or horses, for the transportation of passengers, baggage or freight, shall be allowed to be stationed on said warf before thirty minutes past three o'clock, P. M.—Every person who shall violate the provisions of this section shall forfeit and pay a sum not less than two dollars nor more than ten dollars.

AN ORDINANCE IN RELATION TO THE CITY BEACH.

1. Beach Constable to be appointed.
2. No person to bathe naked except as allowed by the ordinance—penalty.
3. May bathe without dresses at certain hours.
4. May bathe with dresses at certain hours—penalty.
5. May bathe without dresses at certain hours.
6. Position of carriages during bathing hours.
7. Carriages not to drive in front of houses during bathing hours, except in certain cases.
8. Beach constable to erect flag-staff, and hoist flags and ring bell at certain hours.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. There may be annually elected in the manner in which other city officers are elected, a constable, whose especial duty it shall be to superintend the city or Easton's beach, in said city; to enforce the rules and regulations that the city council may, from time to time, ordain and prescribe for the regulation of the same; and to complain of and prosecute such person or persons as shall violate the said rules and regulations.

SEC. 2. Annually, from the 25th day of June to the 20th day of September, bathing, at the city or Easton's beach, so called, shall be regulated as follows, viz: no person whatever shall, during the above period of time, bathe or indecently expose his, her or their person on any part of said beach or shore adjoining, except as hereinafter provided, under a penalty of not less than one dollar nor more than five dollars for the first offence, and for every subsequent offence, a penalty not exceeding ten dollars.

SEC. 3. It shall be lawful for all persons indiscriminately, whether with or without dresses, to bathe on said beach, at any time after eight o'clock in the evening and before eight o'clock in the morning, and also between one o'clock and three o'clock, P. M.

SEC. 4. From eight o'clock in the morning to one o'clock,

P. M., it shall not be lawful for any person indecently to expose his, her or their person, or bathe, not being decently clad, anywhere upon said beach or shore adjoining; nor shall it be lawful for any person between three o'clock and eight o'clock, P. M., indecently to expose his, her or their person, or bathe, not being decently clad, on any part of said beach, within said city of Newport; and any person violating this regulation shall pay a penalty of not less than two dollars nor more than ten dollars for every such offence.

SEC. 5. It shall be lawful for all persons, indiscriminately, whether with or without dress, to bathe at said beach, at a distance of not less than seven hundred feet east of the bathing houses as they now stand, commencing at section No. 1, at any time before eight o'clock in the morning, and also between one o'clock and three o'clock, P. M.

SEC. 6. The driver of every carriage or vehicle employed in carrying passengers to said beach for bathing purposes between the said hours of eight o'clock and twelve, immediately upon receiving his fare at the bathing houses, shall drive his team to some convenient stand, to the north of said houses, to be designated by the officer superintending said beach, and there keep his carriage and team until required again to take his fare on their departure or return, or until they shall leave the beach; and every driver who shall neglect or refuse to comply with this regulation, shall forfeit and pay as a penalty for each offence the sum of one dollar.

SEC. 7. No driver of any carriage or vehicle carrying passengers for pleasure merely, or any person driving a horse or any other animal whether with or without a vehicle, for any other than bathing purposes, (excepting grants already existing for the purpose of taking sea weed, drift-stuff, &c., according to the provisions of said grant,) within said hours of eight o'clock, A. M. to one o'clock, P. M., and three o'clock, P. M. to eight o'clock, P. M., shall suffer the carriage by him so driven, or any horse or other animal under his charge or care, to stop or stand anywhere upon the south

side of said bathing houses, or in any place within said limits, except such as shall be designated by an officer as aforesaid, and every person violating this regulation shall forfeit and pay as a penalty for each offence the sum of one dollar.

Sec. 8. It shall be, and is hereby made, the duty of the officer who is or may be appointed to superintend said beach, as soon as may be, to erect at a distance of not less than seven hundred feet east from the aforesaid houses, a flag-staff not less than fifteen feet high, with suitable halliards; to procure two flags of not less dimensions than four feet by three feet, one of which shall be white, and the other red, and also a suitable bell. It shall also be, and is hereby made, his duty on each day between the said 25th day of June and the 20th day of September, (Sundays excepted) to ring his bell and hoist said white flag at 8 o'clock, A. M., and to announce the hours of female bathing, and keeping the same flying until one o'clock, P. M.; his bell shall then be again rung and the red flag hoisted, to give the same information for indiscriminate bathing, which he shall keep flying until three o'clock, P. M., when it shall be lowered, the bell rung and the white flag hoisted and be kept flying until eight o'clock, P. M.

Sec. 9. Said constable shall be on duty at such times as the lessees of the bathing sections on said beach may desire, and shall receive such compensation for his services as may be agreed upon by himself and said lessees. It shall be the duty of the committee on city property, in letting said sections, annually, to specify in the agreement, which shall be in writing, that said lessees shall pay said compensation; and if said constable fails to collect the same from said lessees, he shall have no claim therefor on the city treasury.

AN ORDINANCE IN RELATION TO SAND, STONE AND GRAVEL AT EASTON'S BEACH.

1. Persons not allowed to take stone, sand and gravel from Easton's Beach, without permission of Street Commissioner—price to be paid, not to be carried out of the city—penalty.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. No person or persons shall take any sand, stone or gravel from Easton's Beach, so called, except by permission of the street commissioner. Every person or persons obtaining such permission from the street commissioner, may obtain said sand, stone or gravel from said beach by the payment to the officer duly authorized by the city to receive the same, the following sums: for every horse-cart load, five cents per head; for every ox-cart load, ten cents per head.

SEC. 2. No stone, sand or gravel shall be taken from said beach by, or sold to any person residing out of the city of Newport; and no stone, sand or gravel shall be taken from said beach or sold to any person residing in this city to be carried to or used in any other city or town.

SEC. 3. Every person violating the provisions of this ordinance shall forfeit and pay not less than ten dollars nor more than twenty dollars, or be imprisoned not less than ten days nor more than twenty days.

AN ORDINANCE IN RELATION TO DOOR-STEPS.

1. Door-steps not to project beyond building line—penalty.
2. City marshal to give notice in case of violation; to remove obstructions if continued after ten days' notice, at expense of person violating this ordinance.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. No person shall project any door-step or steps either of stone, wood or other material, beyond the building line of any lot or lots upon any side-walk or street of this city. Every person violating the provisions of this section shall forfeit and pay not less than five dollars nor more than twenty dollars.

SEC. 2. If any person shall violate the foregoing section, it shall be the duty of the city marshal to notify the owner of such lot or lots to remove said step or steps within ten days; and if said steps are not so removed within said ten days, said marshal shall cause the same to be removed at the expense of the person so violating this section.

AN ORDINANCE IN RELATION TO THROWING FILTH INTO THE STREETS.

Filth, brine, dirty water, &c., not to be deposited in the streets—penalty.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. No person shall throw, pour, or in any way deposit any filth, brine, dirty water, or other offensive substance of any description whatsoever, under or around the market-houses, or in any of the streets, lanes or wharves of said city. Every person violating the provisions of this ordinance shall forfeit and pay a sum not exceeding one dollar for the first offence, and a fine of five dollars for every subsequent offence.

AN ORDINANCE TO PROHIBIT DEPOSITING COAL ASHES IN THE STREETS.

Coal ashes and other dirt, &c., not to be deposited in streets, except on Wednesday and Saturday. Street Commissioner to remove same—penalty.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. No person shall throw or deposit, or cause to be thrown or deposited in any street, highway or public place in said city, any coal-dust, soot, ashes, cinders, shavings, hair, manure, oyster, clam or lobster shells, or any animal or vegetable matter or substance whâtever, (except on Wednesday and Saturday mornings of each week, before nine o'clock,) when it may be placed in some convenient place on the street, for removal by the street commissioner. It shall be the duty of the street commissioner to cause all such dirt to be removed from the streets on the days hereinbefore specified, and to pay the expense of the same from the annual appropriation for streets and highways. Every person violating the provisions of this ordinance shall forfeit and pay the sum of five dollars, or be imprisoned not less than ten days.

AN ORDINANCE DEFINING THE DUTIES OF CERTAIN CITY OFFICERS.

It is ordained by the City Council of the city of Newport, as follows:

SECTION 1. The city marshal, under the advice and direction of the mayor, shall have the supervision of the police officers of this city, and shall report to the mayor forthwith any violation of their duties. He shall keep a correct record of all breaches of the peace, disturbances, or complaints to him made or known, and of his doings thereon; said record shall be open at all times for the inspection of the mayor, any member of the city council, or the city solicitor. He shall, as often as once a week, inspect all the streets, gangways, public squares and warves in this city, and shall cause to be removed all nuisances, obstructions and impediments therein; he shall receive all complaints made against any person or persons, for any breach of the laws of the state, the ordinances and orders of this city. He shall attend daily, at stated hours, to be directed by the mayor, at his office in the city hall; he shall obey and execute all lawful orders and com-

mands of the mayor, board of aldermen and city council; he shall prosecute all offenders, and attend in behalf of the city the trial of all offences which may be prosecuted by him. He shall make a detailed report, quarterly, to the city council of the business of the police department for the preceding quarter, stating therein the number of warrants issued and the number of convictions had, and for what offences.

Sec. 2. In addition to the duties and requirements of the city sergeant of this city, under the statutes of this state, he shall act as a member of the police force of this city, and is hereby vested with all the powers belonging to the same; he shall keep a correct record of all his doings, and make a report of the same, quarterly, to the city marshal.

Sec. 3. The overseer of the poor of this city shall perform the duties of inspector of nuisances in this city, and shall be one of the police officers of said city; and he is hereby vested with all the powers belonging to the same; he shall keep a correct record of all his doings as such police officer, and make a report of the same, quarterly, to the city marshal. Said overseer of the poor and inspector of nuisances shall keep separate and correct records of all his official acts in the discharge of the duties of said office, and shall make a report of the same, quarterly, to the city council, stating the number of paupers committed to the asylum and the number of vagrants sent out of the city; he shall also make a like report stating the number of nuisances complained of, and his action in regard to the same.

Sec. 4. In addition to the duties of field-driver, said officer shall be a member of the police of this city, and is hereby vested with all the powers belonging to the same; he shall keep a correct record of all his proceedings as such police officer, and shall make a report of the same, quarterly, to the city marshal. He shall enforce the ordinance in regard to dogs, and shall keep a correct record of all dogs licensed, with the names of the owners, the numbers and dates of said licenses, the amounts paid, and the number of dogs which he

may kill, in accordance with the provisions of the ordinance in regard to dogs; and he shall make a report of the same, quarterly, to the city council. He shall receive one half of the registry tax of dogs.

SEC. 5. The police officers of the said city shall wear a star, as furnished by the city, upon the left breast, in a conspicuous place, on the outside of the coat, during all the time that they are on duty.

SEC. 6. The mayor may, for cause, suspend from duty and emolument, either verbally or in writing, any police officer of this city, which suspension shall continue in force until the next meeting thereafter of the city council, when it shall be the duty of the mayor to communicate in writing to said city council the name and cause of suspension of such police officer.

SEC. 7. The salaries of the city treasurer, judge of probate, city solicitor, city marshal, city sergeant, street commissioner, collector of taxes, overseer of the poor and inspector of nuisances, and constable to enforce the ordinance in regard to dogs, shall be annually fixed by the city council, previous to the election of said officers. Said salaries, as so fixed, shall be in full compensation for all services rendered the city by said officers.

AN ORDINANCE TO PREVENT UNLAWFUL ASSEMBLIES.

Persons prohibited from standing on corners of streets, &c.—penalty.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. All assemblies of persons at the corners of the streets or in public places in this city, whereby the peace is disturbed or the public thoroughfares obstructed, are hereby declared to be unlawful; and any person or persons so assembling, shall for each and every offence forfeit and pay not less than three dollars nor more than ten dollars, or be imprisoned not less than five days nor more than twenty days.

SEC. 8. Any person other than such an undertaker, who shall manage and conduct a funeral, or inter or deposit in a vault or tomb, or remove from the city a dead body, shall first obtain permission in writing from the mayor, or the board of health, to do the same; and after said interment, deposit of a body, or removal is made, shall make return as is directed to be made by undertakers by the provisions of this ordinance; and for every neglect or refusal to obtain such permission, or to make such return, shall forfeit and pay the sum of ten dollars.

SEC. 9. All returns made by an undertaker or other person, shall be recorded by the city clerk, in a book to be kept expressly for that purpose.

SEC. 10. No undertaker or other person shall hereafter bury or cause to be buried, or deposit or cause to be deposiited in any vault or tomb, the body of any deceased person, in any grounds except the Common Burying Ground, the Island Cemetery, the Willow Cemetery, the Friends' Burying Ground on Green Lane, and the Roman Catholic Cemetery on Warner street, and the ground on Warner street, west of the Island Cemetery, or such as shall hereafter be designated by the city council as burying grounds, and authorized to be used as such, without first obtaining permission so to do of the city council; and every person so offending shall forfeit and pay for every offence the sum of fifty dollars. The inspector of nuisances is hereby directed to take up and remove to such burial ground or cemetery, in this city, as may be designated by the city council, and there decently inter any dead body which may hereafter be buried in violation of this ordinance, at the expense of the person or persons who shall have caused the said dead body to have been so illegally interred, to be recovered in an action before any court competent to try the same.

SEC. 11. The city clerk shall cause an abstract of the returns of deaths made to him to be published in the newspapers, the proprietors of which contract to do the city printing, monthly, and oftener if required by the board of health.

He shall also, on or before the third Monday of May, annually, prepare and present to the city council a statement of the number of births, of marriages solemnized, and of deaths which occurred in this city during the year ending with the 30th day of April next preceding, with such other information and suggestions in relation thereto as he may deem useful for the promotion of the public health and other interests of the city.

AN ORDINANCE IN RELATION TO SIDEWALKS.

It is ordained by the City Council of the City of Newport as follows:

SECTION 1. No person shall ride, drive or lead any animal or move or trundle any vehicle upon any sidewalk in said city, except light carriages for the conveyance of children, unless for the purpose of necessarily crossing the same; or allow any animal belonging to him or under his care to stand on such sidewalk; or shall saw, split or cut any fire-wood or lumber, or break up any coal on such sidewalk. Every person so offending shall forfeit and pay a fine of two dollars for each offence.

SEC. 2. No person shall deposit, place or put, or suffer to be deposited, placed or put, by any person or persons in his or her employ, any goods, wares, fire-wood, coal, or article of any kind, on such sidewalk, except while actually removing the same into or out of some building or enclosure. Every person so offending shall forfeit and pay for every offence not less than two dollars, nor more than ten dollars.

SEC. 3. The owner or owners, occupant or occupants, or any person having the care of any building or lot of land, bordering on any street, square, or public place within the city, where there is a sidewalk supported by a curb-stone, shall within the first five hours of daylight, after the ceasing to fall of any snow, cause the same to be removed therefrom, and in all streets where there is no curb-stone set, a pathway, at least four feet wide, shall be made for the convenience of passengers; and in default thereof, shall forfeit and pay a sum not less than two nor more than five dollars; and for each and every day that the snow shall remain on such sidewalks, such owner or owners, occupant or occupants, or other persons, shall forfeit and pay not less than two dollars nor more than five dollars.

SEC. 4. Whenever the sidewalks or any part thereof, adjoining any building or lot of land on any street shall be encumbered with ice, it shall be the duty of the owner or owners, occupant or occupants, or any person having the care of such building or lot, to cause such sidewalk to be made safe and convenient, by removing the ice therefrom or by covering the same with sand or ashes; and in case such owner or owners or other person shall neglect so to do, for the space of four hours during the daytime, he shall forfeit and pay a sum not less than two nor more than five dollars, and like sums for every day thereafter that the same shall continue encumbered.

SEC. 5. No person shall remove any barrier or lantern which may be placed by the street commissioner, or under his authority and direction, to protect the public from injury while any street is being repaired. Every person violating the provisions of this section shall forfeit and pay a sum of not less than ten dollars nor more than twenty dollars.

AN ORDINANCE TO PREVENT OVER-CROWDED TENEMENTS.

It is ordained by the City Council of the City of Newport as follows:

SECTION 1. Whenever it shall appear to the satisfaction of the board of aldermen that the number of persons occupying any tenement or building within the city is so great as to be the cause, in the opinion of said board of aldermen, of nuisance or sickness, said board may issue their warrant commanding the owner or owners of such tenement or building, to abate such nuisance by removing such number of his, her or their tenants as may be required, within such time as said board shall name. And if any owner or owners so commanded, shall omit or refuse to obey, he, she or they shall forfeit and pay the sum of twenty dollars.

AN ORDINANCE RELATIVE TO KEEPING HOGS IN THE COMPACT PART OF THE CITY.

It is ordained by the City Council of the City of Newport as follows:

SECTION 1. No person shall keep any hog or hogs within thirty feet of any dwelling house within the limits of the compact part of the city. Every person violating the provisions of this section shall forfeit and pay the sum of twenty dollars.

SEC. 2. Whenever any person shall keep any hog or hogs, or hog-pen within the limits of the compact part of the city, other than aforesaid, which shall be kept so filthy as to be prejudicial to health, shall upon conviction forfeit and pay a penalty of twenty dollars.

AN ORDINANCE FOR THE PROTECTION OF PUBLIC PARKS AND COMMONS.

Injury to public parks and commons forbidden—penalty.

It is ordained by the City Council of the City of Newport as follows:

SECTION 1. No person shall in any way cut, deface, or walk upon any of the fences around any of the public parks or commons within the limits of this city, or tread upon the grass-plats, or shake carpets or commit any nuisance whatever, or in any way deface or injure anything planted or growing upon or about said parks or commons. Any person violating the provisions of this ordinance shall forfeit and pay a penalty of five dollars, or be imprisoned not less than seven days nor more than twenty days.

AN ORDINANCE IN RELATION TO CARTS, DRAYS AND TEAMS.

Street commissioner to assign places for carts, drays, &c.; carriages not allowed to to stand more than ten minutes—penalty.

It is ordained by the City Council of the City of Newport as follows:

SECTION 1. It shall be the duty of the city marshal, from time to time, to assign places in the public streets which may be occupied by carts, teams, and drays, as stands, when

they are unemployed; and no person shall stop or suffer or permit his carriage, cart, team, or dray, or other vehicle to remain in the public street when unemployed, in any place other than such as shall be assigned by the city marshal. Neither shall any carriage or other vehicle stop or remain in one place in the public streets more than ten minutes at one time. Any person violating the provisions of this ordinance shall forfeit and pay a penalty of five dollars.

AN ORDINANCE IN REGARD TO REMOVING BUILDINGS, DIGGING UP STREETS, &C.

1. Buildings not to be removed, or streets opened without permission of city council or mayor.
2. Excavations to be made under direction and to satisfaction of street commissioner at expense of persons making them.
3. Penalty.

It is ordained by the City Council of the City of Newport as follows:

SECTION 1. No person or persons, or corporation shall be allowed to move any dwelling house, shop or other building, or open any drain or sewer, or otherwise break the ground or make excavations in the same, in any of the streets or highways of said city, for the purpose of making drains or sewers, or for laying gas or water pipes, or for any other purpose without previously obtaining permission of the city council, or the written consent of the mayor.

SEC. 2. Such excavations shall be made and the trenches shall be re-filled, the pavements re-set, and the streets and highways repaired under the direction and to the satisfaction of the street commissioner, at the expense of the person or persons or corporation, making such excavations or opening the streets or highways for the purposes specified in the first section of this ordinance.

SEC. 3. Every person or persons, or corporation violating any of the provisions of this ordinance, shall forfeit and pay a sum not less than five dollars nor more than twenty dollars.

said vessel to the quarantine ground and deliver the captain or commanding officer a copy of these regulations, and report to the mayor, or in his absence, a member of the board of aldermen, her situation and circumstances, and shall by his advice and direction, take such measures for cleansing said vessel at the expense of the owners, master or commanding officer thereof, as are proper and necessary, and shall detain her on the quarantine ground so long as the mayor, or in his absence, a member of the board of aldermen shall think expedient; all expenses incurred by such health officer during the time said vessel is quarantined, may be recovered in an action of the case in the name of the city treasurer, against the owner or owners, master or commanding officer in said vessel, or either or any of them, before any court competent to try the same.

SEC. 5. Any commander of a ship or vessel who shall, upon being hailed and ordered by the health officer or sentinel, as aforesaid, refuse or neglect to bring his ship or vessel to anchor within the limits described as aforesaid, shall be fined not exceeding two hundred dollars nor less than twenty dollars.

SEC. 6. A person who shall be a health officer and a sentinel shall be appointed by the board of aldermen, who shall receive such compensation for his services as may be allowed by the city council; and the board of aldermen shall also appoint a physician, who shall be called the port physician, who shall receive such compensation as may be determined by the city council, to be paid him by the master or commanding officer of the vessel which he shall board; it shall be his duty when called upon by the health officer, to visit every vessel ordered into quarantine, to direct the care and attendance of the sick. The mayor, or in his absence, a member of the board of aldermen, may in his discretion order any sick person to be removed from such vessel, and carried to some suitable place out of the compact part of the city, to be provided and designated for that purpose by the city

council, and there to take care of under the direction of the health officer until cured, which shall be determined by the attending physician of such person, who shall give such person a certificate that he or she is entirely free from contagious disease; and all expenses for removal, nursing and attendance of such sick person shall be defrayed by such person, or by the owner or owners, master, or commanding officer of such vessel, and may be recovered in the same way as is provided by the 4th section for the recovery of charges incurred in cleansing such vessel. The port physician shall daily report to the mayor, or in his absence, a member of the board of aldermen, the situation of every sick person, and give a certificate to the master of each vessel when he shall think proper, that such vessel may be discharged from quarantine.

SEC. 7. Every person who shall leave any ship or vessel under order of quarantine as aforesaid, without permission from the mayor, or in his absence, a member of the board of aldermen, shall forfeit not exceeding twenty dollars; and the mayor, or, in his absence, a member of the board of aldermen, may order such person to be returned on board of such vessel, there to remain until the mayor, or, in his absence, a member of the board of aldermen, order him to be discharged.

SEC. 8. Every person who shall bring any passenger, by land or by water, and any person who shall come as aforesaid, into this city, from any ship, steamer, vessel or boat which is quarantined at any other port, in the United States, without the consent of the mayor, or in his absence, of a member of the board of aldermen, shall be fined not less than twenty dollars nor more than two hundred dollars, or six months imprisonment for any one offence.

SEC. 9. All vessels arriving at this port, after having discharged their cargoes in any other port of the United States, agreeably to the quarantine regulations of such port, shall anchor on the quarantine ground, and be visited and examined by the said health officer, and be subject to the provisions of the first section of this ordinance, the same as if said vessel came direct to this port.

Sec. 10. If any vessel subject to quarantine shall pass or leave the quarantine ground without permission of the mayor, or, in his absence, a member of the board of aldermen, the owner or owners, agent or agents of such vessel, or the person or persons who shall move the same, shall forfeit and pay to the use of the said city a sum not exceeding one hundred dollars nor less than twenty-five dollars, to be recovered in an action of the case, in the name of the city treasurer, before the proper court to try the same; and such vessel shall be liable to be ordered back to the quarantine ground at the expense of the owner or owners, agent or agents thereof; and the owner or owners, agent or agents of such vessels shall be liable to the same penalty on every repetition of such offence.

Sec. 11. If any officer of the customs, or any other person whosoever, without permission of the mayor, or, in his absence, a member of the board of aldermen, shall go on board of any inward bound vessel that shall be subject to quarantine, such officer or other person, so going on board, shall not land in the said city until the time of quarantine of such vessel shall have expired, under a penalty not exceeding twenty dollars, nor less than five dollars, to be recovered to the use of said city, in an action of the case, before any court competent to try the same.

Sec. 12. The said health officer shall have authority to put such interrogatories and inquiries to the captain or commanding officer, or any other person on board of any vessel arriving at this port and subject to quarantine, as he shall deem proper, respecting the state of the vessel and the health of the people on board; and if such captain or commanding officer or other person shall refuse to answer any or all interrogatories or inquiries put to him by such health officer, or shall evade such inquiries, or shall in any way or manner make, or cause to be made to such health officer, a false or equivocal statement or report relative to the officers, crew or passengers on board thereof, or the state of the health of all

or any of the officers, crew or passengers; or shall neglect to report to said health officer any death that may have occurred on board during the said voyage; or shall refuse to sign his written examination taken at the time by said health officer, after having been requested so to do, such captain, commanding officer or other person so offending, shall forfeit and pay as a penalty to and for the use of the said city a sum not exceeding two hundred dollars, nor less than one hundred dollars, to be recovered in an action of the case, before the proper court to try the same.

SEC. 13. The following shall be the rules and regulations to be observed on board all vessels while at quarantine:

1. Every vessel shall, during her quarantine, wear colors in her shrouds.

2. No provisions, spirituous liquors or other articles shall be admitted on board such vessel, without permission of the said health officer.

3. The said health officer shall, on all occasions, direct what goods shall be delivered from on board such vessel, the place where, and the manner in which they shall be landed.

4. No person or persons, in any boat or vessel of any kind, shall be permitted to go alongside of any such vessel at quarantine without permission of said health officer; nor to be at anchor or remain in any other manner, within one hundred yards of such vessel.

5. Every such vessel shall be removed and stationed at such place as the said health officer may from time to time, under the direction of the Mayor, direct and appoint.

6. The bilge water shall be pumped from every such vessel at least twice each day.

7. The directions of said health officer for cleansing the vessel, clothing and other things on board, shall be strictly complied with by the officers and crew.

8. The commander of every such vessel shall be answerable for all irregularities and breaches of the regulations by

SEC. 10. If any vessel subject to quarantine shall pass or leave the quarantine ground without permission of the mayor, or, in his absence, a member of the board of aldermen, the owner or owners, agent or agents of such vessel, or the person or persons who shall move the same, shall forfeit and pay to the use of the said city a sum not exceeding one hundred dollars nor less than twenty-five dollars, to be recovered in an action of the case, in the name of the city treasurer, before the proper court to try the same; and such vessel shall be liable to be ordered back to the quarantine ground at the expense of the owner or owners, agent or agents thereof; and the owner or owners, agent or agents of such vessels shall be liable to the same penalty on every repetition of such offence.

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SEC. 12. The said health officer shall have authority to put such interrogatories and inquiries to the captain or commanding officer, or any other person on board of any vessel arriving at this port and subject to quarantine, as he shall deem proper, respecting the state of the vessel and the health of the people on board; and if such captain or commanding officer or other person shall refuse to answer any or all interrogatories or inquiries put to him by such health officer, or shall evade such inquiries, or shall in any way or manner make, or cause to be made to such health officer, a false or equivocal statement or report relative to the officers, crew or passengers on board thereof, or the state of the health of all

or any of the officers, crew or passengers; or shall neglect to report to said health officer any death that may have occurred on board during the said voyage; or shall refuse to sign his written examination taken at the time by said health officer, after having been requested so to do, such captain, commanding officer or other person so offending, shall forfeit and pay as a penalty to and for the use of the said city a sum not exceeding two hundred dollars, nor less than one hundred dollars, to be recovered in an action of the case, before the proper court to try the same.

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2. No provisions, spirituous liquors or other articles shall be admitted on board such vessel, without permission of the said health officer.

3. The said health officer shall, on all occasions, direct what goods shall be delivered from on board such vessel, the place where, and the manner in which they shall be landed.

4. No person or persons, in any boat or vessel of any kind, shall be permitted to go alongside of any such vessel at quarantine without permission of said health officer; nor to be at anchor or remain in any other manner, within one hundred yards of such vessel.

5. Every such vessel shall be removed and stationed at such place as the said health officer may from time to time, under the direction of the Mayor, direct and appoint.

6. The bilge water shall be pumped from every such vessel at least twice each day.

7. The directions of said health officer for cleansing the vessel, clothing and other things on board, shall be strictly complied with by the officers and crew.

8. The commander of every such vessel shall be answerable for all irregularities and breaches of the regulations by

SEC. 10. If any vessel subject to quarantine shall pass or leave the quarantine ground without permission of the mayor, or, in his absence, a member of the board of aldermen, the owner or owners, agent or agents of such vessel, or the person or persons who shall move the same, shall forfeit and pay to the use of the said city a sum not exceeding one hundred dollars nor less than twenty-five dollars, to be recovered in an action of the case, in the name of the city treasurer, before the proper court to try the same; and such vessel shall be liable to be ordered back to the quarantine ground at the expense of the owner or owners, agent or agents thereof; and the owner or owners, agent or agents of such vessels shall be liable to the same penalty on every repetition of such offence.

SEC. 11. If any officer of the customs, or any other person whosoever, without permission of the mayor, or, in his absence, a member of the board of aldermen, shall go on board of any inward bound vessel that shall be subject to quarantine, such officer or other person, so going on board, shall not land in the said city until the time of quarantine of such vessel shall have expired, under a penalty not exceeding twenty dollars, nor less than five dollars, to be recovered to the use of said city, in an action of the case, before any court competent to try the same.

SEC. 12. The said health officer shall have authority to put such interrogatories and inquiries to the captain or commanding officer, or any other person on board of any vessel arriving at this port and subject to quarantine, as he shall deem proper, respecting the state of the vessel and the health of the people on board; and if such captain or commanding officer or other person shall refuse to answer any or all interrogatories or inquiries put to him by such health officer, or shall evade such inquiries, or shall in any way or manner make, or cause to be made to such health officer, a false or equivocal statement or report relative to the officers, crew or passengers on board thereof, or the state of the health of all

or any of the officers, crew or passengers; or shall neglect to report to said health officer any death that may have occurred on board during the said voyage; or shall refuse to sign his written examination taken at the time by said health officer, after having been requested so to do, such captain, commanding officer or other person so offending, shall forfeit and pay as a penalty to and for the use of the said city a sum not exceeding two hundred dollars, nor less than one hundred dollars, to be recovered in an action of the case, before the proper court to try the same.

SEC. 13. The following shall be the rules and regulations to be observed on board all vessels while at quarantine:

1. Every vessel shall, during her quarantine, wear colors in her shrouds.

2. No provisions, spirituous liquors or other articles shall be admitted on board such vessel, without permission of the said health officer.

3. The said health officer shall, on all occasions, direct what goods shall be delivered from on board such vessel, the place where, and the manner in which they shall be landed.

4. No person or persons, in any boat or vessel of any kind, shall be permitted to go alongside of any such vessel at quarantine without permission of said health officer; nor to be at anchor or remain in any other manner, within one hundred yards of such vessel.

5. Every such vessel shall be removed and stationed at such place as the said health officer may from time to time, under the direction of the Mayor, direct and appoint.

6. The bilge water shall be pumped from every such vessel at least twice each day.

7. The directions of said health officer for cleansing the vessel, clothing and other things on board, shall be strictly complied with by the officers and crew.

8. The commander of every such vessel shall be answerable for all irregularities and breaches of the regulations by

the people on board; all directions and permissions of the said health officer as aforesaid shall be in writing.

SEC. 14. If any person or persons shall be guilty of a breach of any rules and regulations contained in the next preceding section, such person or persons so offending shall forfeit and pay a sum not exceeding twenty dollars, nor less than ten dollars, to be recovered in an action of the case.

SEC. 15. The board of aldermen, acting *ex-officio* as board of health, are hereby authorized and empowered, from time to time, to fix and assign the time which vessels shall be detained at quarantine, by virtue of this ordinance; and also to prescribe from time to time, if they deem it necessary, such other ports, places or countries beside those mentioned in this ordinance, from which vessels arriving shall be subject to examination for quarantine.

SEC. 16. The board of aldermen, acting *ex-officio* as board of health, shall be and they are hereby authorized and empowered to make and carry into effect such further rules and regulations respecting quarantine as to them may appear necessary to prevent the introduction of contagious or infectious diseases from other places; and to annex such penalties for the breach thereof as they may think proper, not exceeding two hundred dollars fine or ten days imprisonment.

SEC. 17. The board of aldermen, acting *ex-officio* as board of health, shall be and they are hereby authorized and empowered, from time to time, to suspend the operation of the whole or any part of this ordinance, in such manner and for such term as they may deem proper, and the same to revive at their discretion.

. . RDINANCE RELATIVE TO CLOSING STORES AND PLACES OF BUSINESS.

.. ordained by the City Council of the City of Newport, as follows:

Section 1. No shop, store, or other place of trade or entertainment in this city, except licensed hotels or taverns, shall hereafter be kept open after eleven o'clock on Saturday evening; nor shall any such shop, store, or place of trade or entertainment be open on Sunday, nor any article sold therein on that day: *provided*, that druggists may open their shops at any time for the purpose of selling medicines for the use of the sick; *provided also*, that barber's shops may be kept open on that day until ten o'clock, A. M., and *provided* also, that the shops or stores of the dealers in fruit, vegetables, fish, meat, and bread may be kept open until nine o'clock, A. M.; but if any person not a member of the family of such storekeeper, or not at the time in his service and employ, be found in any such shop, store or other depository at a later hour than nine o'clock, A. M., it shall be deemed and taken be a violation of this ordinance on the part of the keeper or proprietor thereof. *Provided also*, that it shall be lawful for dealers in newspapers and periodicals to keep open their places of business until ten o'clock in the morning, for the purpose of disposing of such newspapers and periodicals and for no other purpose.

Sec. 2. Every keeper of any shop, store or place of trade or entertainment which shall be open, or in which any article shall be sold, and every person opening any shop, store or place of trade or entertainment, or selling any article contrary to the provisions of this ordinance, shall forfeit and pay a sum of not less than five dollars nor more than twenty dollars.

AN ORDINANCE TO PREVENT DISTURBANCES IN THE PUBLIC STREETS.

Disorderly conduct in the streets forbidden—penalty.

It is ordained by the City Council of the City of Newport, as follows:

Each and every person who shall revel, commit any mischief, quarrel or otherwise behave in a disorderly manner, in any of the public streets, gangways, alleys or lanes, in said city, on any of the public wharves or lands of said city, or grounds set apart for public purposes, to the disturbance or annoyance of the inhabitants thereof, or shall aid, assist, encourage or promote the same to be done by any person or persons, shall forfeit and pay a sum not exceeding twenty dollars, nor less than three dollars, or be imprisoned not more than three months, and not less than fifteen days.

AN ORDINANCE RELATIVE TO SPORTS IN THE STREETS.

1. Playing of ball, the throwing stones, &c. forbidden.
2. Sliding and sledding in streets, &c., forbidden, except in streets designated by City Marshal.
3. Penalty.

It is ordained by the City Council of the City of Newport, as follows:

Section 1. No person shall play at ball, foot-ball, or throw stones or other missiles in or upon any of the streets, highways, squares, parks, lanes, alleys or wharves within the compact part of said city.

Sec. 2. No person shall slide on any sled or other machine, or in any vehicle whatever for amusement, in any of the streets, highways, lanes or alleys, except in those places which shall be designated by the city marshal, under the advice and direction of the mayor.

Sec. 3. Every person convicted of a violation of the provisions of this ordinance, shall forfeit and pay a sum not less than three dollars, nor more than twenty dollars, or be imprisoned not less than seven days, nor more than twenty days.

AN ORDINANCE IN RELATION TO DOGS.

1. Dogs to be licensed.
2. City Clerk to grant licenses on payment of one dollar and his fees.
3. City Clerk to keep a record of licenses granted, and report quarterly to City Council all money recieved,—and pay same to Treasurer.
4. Licenses to be numbered, dog to wear collar, &c.
5. Dogs not licensed, to be destroyed.
6. Biting, barking, howling dog to be complained of—proceedings therein.
7. Penalty for keeping dog contrary to above provisions.
8. Appointment of Officer to enforce this ordinance.

It is ordained by the City Council of the City of Newport, as follows:

Section 1. No dog shall be permitted to go at large or loose in this city, until the owner or keeper of such dog, or the head of the family, or the keeper of the house, store or other place where such dog is kept or harbored, shall have paid to the city clerk one dollar for a license for such dog to go at large.

Sec. 2. The city clerk shall grant a license to any person for his or her dog to run at large, on the payment of one dollar for such license, and twenty-five cents for recording the same, which license shall expire upon the last day of May next after the same is given and dated.

Sec. 3. The city clerk shall keep a record of all licenses so granted, with the numbers of the same, and shall make a report to the city council once in three months of all license money so received, and shall pay over the same to the city treasurer for the use of the city.

SEC. 4. Every license so granted shall be numbered, and the person named therein shall cause the same number with the word "LICENSE," and his or her name to be legibly printed or engraved on a collar to be kept about the neck of the dog intended to be licensed; and no dog shall be considered as licensed unless the requisition contained in this section be complied with.

SEC. 5. It shall be the duty of the officer hereinafter designated to cause all dogs to be destroyed which shall be found at large within this city, without a collar as required by this ordinance; and he shall cause all dogs so destroyed to be buried under such regulations as the board of health may from time to time prescribe.

SEC. 6. On complaint in writing being made to the officer hereinafter designated, of any dog within this city which shall, by barking, biting, howling, or in any other way or manner disturb the quiet of any person or persons whomsoever, the said officer shall forthwith issue notice thereof to the person owning, keeping or permitting such dog to be kept to appear before the city council at a meeting to be specified therein, to show cause why such dog should not be destroyed; which notice shall be served upon the person to whom it is directed at least twenty-four hours before the meeting of the council, as specified therein, by one of the constables of this city, by reading the same to such person, or by leaving a true and attested copy thereof at the last and usual place of abode of the person therein named. Upon the hearing of any such complaint, if the city council shall decide that it is dangerous or improper for such dog to be kept by any person, it shall be the duty of the officer hereinafter designated, forthwith to kill such dog and bury the same, under such regulations as the board of health may from time to time prescribe.

SEC. 7. In case any dog shall be found loose or going at large, contrary to any of the foregoing provisions, the owner or keeper thereof, or the head of the family, or keeper of the house, store, shop, office, or other place where such dog is

kept or harbored, shall forfeit and pay the sum of five dollars to be recovered in an action of debt in the name of the city.

SEC. 8. One of the constables of this city, to be from time to time designated by the city council, is hereby charged with the execution of the provisions of this ordinance.

AN ORDINANCE PROHIBITING THE DEPOSIT OF ANIMAL OR VEGETABLE MATTER IN THE HARBOR OF NEWPORT.

1. No animal or vegetable matter to be deposited in harbor or in the Cove.
2. Penalty.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. No person shall throw, cast or deposit, or cause to be thrown, cast or deposited, into, or upon the margin of any part of the cove, (so called); or of the harbor of Newport, within the north point of Fort Adams and the western extremity of Coasters'-Harbor Island, any animal or vegetable matter or substance whatever.

SEC. 2. Every person so offending shall, for the first offence, forfeit and pay a sum not exceeding three dollars; and for every subsequent offence, a sum not exceeding ten dollars.

AN ORDINANCE IN RELATION TO NUISANCES.

1. Fish not to be spread on land unless covered with earth; not to be conveyed through streets unless in a tight vehicle—penalty.
2. No fresh fish to be cleaned in the streets—penalty.
3. No hog-pen to be placed in streets or highways, &c.—penalty.
4. Nuisances to be complained of in writing to Inspector; Inspector to examine, and notify owner or occupant of premises in writing to abate the same—penalty. Inspector to cause nuisance to be abated at expense of owner or occupant.
5. Inspector authorized to enter premises—penalty.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. No fish intended for manure, shall be deposited or spread upon any land within one mile of the compact part of the city, nor within fifty rods from any public highway or road, in any other part of said city, unless such fish shall be so covered with earth, sand or other materials, that no offensive smell shall arise therefrom; nor shall any person cause anysuch fish to be conveyed into or through any public street of said city in any wagon, cart, or other vehicle, unless the same be perfectly water-tight. Every person violating any of the provisions of this section, shall, upon conviction thereof, pay as a fine the sum of three dollars.

SEC. 2. No fresh fish shall at any time be gutted, scaled, or otherwise cleansed in any of the public streets or squares of said city. Every person violating the provisions of this section shall pay as a fine the sum of three dollars.

SEC. 3. No hog-pen or hog-sty shall be erected or placed in or upon any of the highways, streets, squares, courts, lanes or alleys of this city. Every person violating the provisions of this section, shall upon conviction thereof, pay as a fine the sum of five dollars.

SEC. 4. Whenever complaint, (in writing,) shall be made to the inspector of nuisances, by any person aggrieved, that

any hog-sty, privy, drain, sewer, sink or sink-gutter, vault, cellar or building, situated on the premises owned or occupied by any person, from dirt, filth, offal, or animal or vegetable matter, is calculated to injure health, or by reason of noxious air annoy the neighborhood,—such inspector shall first ascertain by personal examination that such complaint is well founded; and in all other cases, without such complaint, where from the inspector's own observation or inspection, it shall be manifest that any such nuisance exists, it shall be the duty of such inspector to cause the owner or occupant of such premises to be notified in writing of the existence of such nuisance, or annoyance, and directed forthwith to abate the same; and if such nuisance or annoyance shall not be abated by such owner or occupant within forty-eight hours after such notice shall be received, the owner or occupant, shall upon conviction pay as a fine the sum of ten dollars; and the said inspector of nuisances, provided such nuisance or annoyance can be abated for a sum not exceeding ten dollars, shall be authorized to cause the same to be abated, destroyed or removed, the expense thereof to be paid out of the city treasury, and collected of such owner or occupant.

Sec. 5. For the purposes contemplated by the fourth section of this ordinance, it shall be the duty of the said inspector of nuisances, and he is hereby authorized, to enter into or upon any part of the premises of any such owner or occupant, provided that such entry shall only be made or demanded between the hours of eight, A. M., and sunset; and every person who shall oppose, resist or prevent such entry by said inspector or any person by him employed, shall, upon conviction, pay as a fine, the sum of twenty dollars.

AN ORDINANCE IN REGARD TO INDECENT EXPOSURE OF PERSON.

Indecent exposure of person forbidden—penalty.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. Every person who shall expose his or her person, in an indecent manner, in any of the streets, highways, lanes, alleys, wharves, yards, fields, or upon the piazza or door-steps of any building, in said city, shall be imprisoned three months.

AN ORDINANCE IN REGARD TO DEFACING BUILDINGS, &C.

1. Houses, fences, &c., not to be defaced—penalty.
2. Blinds, shutters, signs, &c., not to be removed—penalty.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. Every person who shall mar, mark or deface any house, building, fence, or steps with paint, tar, chalk, or any other substance, or in any manner deface or injure the same, shall, upon conviction, pay a fine of not less than two dollars nor more than twenty dollars, or be imprisoned not less than seven days nor more than twenty days.

SEC. 2. Every person who shall wilfully remove any blinds, shutters, signs, or door-steps, shall, upon conviction, pay a fine of not less than two dollars nor more than twenty dollars, or be imprisoned not less than seven days nor more than twenty days.

AN ORDINANCE RELATIVE TO VAGRANTS AND DISORDERLY PERSONS.

It is ordained by the City Council of the City of Newport, as follows:

From "An Act to authorize the city of Providence to establish a House of Correction, and for other purposes."

SECTION 9. *And be it further enacted*, That the board of aldermen of said city be and they are hereby authorized to order any person who shall appear, upon examination before said board, to have no legal settlement within this State, and who shall be adjudged by said board to be an unsuitable person to become an inhabitant of said city, to depart from and out of said city, within such time as said board shall appoint; and in case any such person shall not depart from said city within the time specified in such order, or shall at any time after the expiration of said specified period be found within said city without permission first had and obtained from said board of aldermen; and in case any person legally removed from said city by order of removal shall return thereto without permission first had and obtained from said board of aldermen, said board of aldermen are further authorized and empowered to commit every such person to prison, for a term not exceeding three months: *provided, nevertheless*, that nothing in this act contained shall be construed to prevent said board of aldermen from proceeding under and according to the act of the general assembly, entitled 'an 'act in amendment of an act' entitled an act providing for 'the relief, support, employment and removal of the poor,' in

any case wherein they may deem it expedient, in the same manner and to the same effect as if this act had not been passed.

"Sec. 10. *And be it further enacted,* That all persons who being habitual drunkards, are destitute and without visible means of support, or who being such habitual drunkards shall abandon, neglect or refuse to aid in the support of their families, and shall be complained of by such families; all common prostitutes, who have no lawful employment whereby to maintain themselves; all idle persons, who being of doubtful reputation and having no visible means to maintain themselves, live without employment; all able-bodied or sturdy beggars, who may apply for alms or solicit charity; all persons wandering abroad, lodging in watch-houses, out-houses, market-places, sheds, stables, or uninhabited buildings, or in the open air, and not giving a good account of themselves; and all persons who go about from door to door, or place themselves in the streets, highways, passages or other public places within the said 'City of Newport,' to beg or receive alms shall be deemed vagrants.

"Sec. 11. *And be it further enacted,* That all persons who have actually abandoned their wives or children in said" City of Newport, "without adequate support, leaving them in danger of becoming a charge upon the public, or who may neglect to provide according to their means for the support of their wives or children: all common prostitutes; all keepers of bawdy houses, or houses for the resort of prostitutes, drunkards, tiplers, gamesters, or other disorderly persons; all persons who keep in any public street, highway or other public place, or in any house, out-house or other building, or in any yard, garden or other place possessed, occupied, or used by them, any cards, dice-tables, bowls, wheel-of-fortune or other tables, box, machine or device for the purpose of gaming; all persons who go about with such table, or wheel or other tables, box, machine or device, exhibiting tricks or gaming therewith; all persons who play in any public street,

highway or other public place, with cards, dice, or any other instrument or device for gaming; all jugglers, common showmen, and mountebanks, who exhibit or perform for profit, any puppet-show, wire or rope dance, or other idle shows, acts or feats in the public streets, highways or other public places, and all itinerant musicians who perform in the public streets, highways or other public places, shall be deemed disorderly persons.

"Sec. 12. *And be it further enacted*, That any person who shall be convicted before the court of Justices of said city of Newport, 'of being a vagrant, or a disorderly person, may be committed to prison by' said court, 'for a term not exceeding three months.'"

"Sec. 14. *And be it further enacted*, That it shall and may be lawful for the" city council of said city of Newport, "to liberate and discharge at their discretion, any person committed to prison by order of said council, before the expiration of the time for which such person shall have been committed, upon such conditions as said" council "may think proper, and in case any person so liberated shall fail to fulfil the conditions prescribed, said" council "may re-commit said person to prison, for and during the remaining portion of the term of confinement originally ordered."

And Whereas

The General Assembly in and by the 4th section of an act passed at the June session, A. D., 1839, entitled "An act to enlarge and explain the powers of the town meetings and town council of the town of Newport," have provided that "said town of Newport shall have and may exercise all and any of the powers granted in an act entitled "An act to authorize the city of Providence to establish a house of correction, and for other purposes," may adopt, apply and enforce all or any of the provisions contained in said act, so far as the same may be useful in the government of said town, and not inconsistent with its government and ordinances; and

the powers and duties of such officers as may be employed to execute the by-laws, which may be made by said town, in pursuance of the powers granted to said town in this section, shall be the same as those prescribed in said act."

Now, Therefore,—

It is ordained by the City Council of the City of Newport, as follows:

Section 1. The ninth, tenth, eleventh, twelfth, and fourteenth sections of the act first mentioned, as modified and adapted to said city of Newport, are hereby adopted as an ordinance of said city of Newport.

Sec. 2. The mayor or board of aldermen of said city may liberate and discharge, at his or their discretion, any person committed to prison for the violation of any ordinance passed by the city council of said city, notwithstanding the time for which such person shall have been committed may not have expired, upon such conditions as said mayor or board of aldermen may deem proper.

AN ORDINANCE RELATIVE TO TRUANCY AND ABSENTEEISM.

Pupils not to be absent from public schools without consent of parents. Police officers to deliver them to teachers for discipline, &c.

It is ordained by the City Council of the City of Newport, as follows:

Section 1. It shall be unlawful for a child who is a pupil of any of the public schools of this city, to absent himself or herself from said school during the regular hours of instruction and attendance, without the consent and approbation of his or her parent or guardian previously obtained for said absence; and the police officers are hereby instructed and required to

arrest any such child found in the public streets as a truant and absentee as aforesaid—and deliver him or her to the principal or teacher in the school of which he or she is a member, to receive such reprimand and discipline as may best promote regular and punctual attendance.

AN ORDINANCE RELATIVE TO RINGING BELLS.

1. No bells to be rung after sunset and before sunrise, except as allowed by law.
2. Penalty.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. No person shall, between sunset and one hour after sunrise, ring or cause to be rung the bell of any house of public worship in this city, for any purpose whatever, except on the alarm of fire, and except the ringing of such bells as may from time to time be provided for by the city council; *provided*, however, that nothing herein contained shall be construed to prevent the tolling, at a moderate rate, of any such bell for lectures, or any other lawful meeting, between the times hereinbefore mentioned.

SEC. 2. Every person who shall violate any of the provisions of this ordinance, shall forfeit and pay a sum not less than five dollars, nor more than twenty dollars, or be imprisoned not less than seven days nor more than twenty days.

AN ORDINANCE ESTABLISHING THE LIMITS OF THE COMPACT PART OF THE CITY OF NEWPORT.

Limits of the compact part of the City defined.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. The limits of the compact part of said city shall be as follows:

Beginning at the southerly end of Washington street, thence northerly along the salt water to the north of Fort Greene, called Battery street; thence easterly along the north side of said Battery street to Third street; thence southerly along the easterly side of said Third street to Walnut street; thence easterly along the northerly side of said Walnut street to Farewell street; thence southerly along the easterly side of said Farewell street to Warner street; thence easterly along the northerly side of said Warner street to Spruce street; thence southerly along the easterly side of said Spruce street to Tanner street; thence easterly along the northerly side of said Tanner street to Equality Park or the intersection of Tanner and Broad street; thence southwesterly along the easterly side of said Broad street to Ayrault street; thence easterly along the northerly side of said Ayrault street to Kay street; thence southerly along the easterly side of said Kay street to Brinley street; thence easterly through said Brinley street to Catharine street, and across Catharine street to Cottage street; thence southerly along the easterly side of said Cottage street to Beach street; thence westerly on the southerly side of said Beach street to State street; thence southerly on the east side of said State street to Downing street; thence west on the southerly side of said Downing street, to South Touro street; thence southerly on the east side of south Touro street to Dixon's lane; thence westerly in a straight line to the harbor or salt water; thence north-

erly along the harbor or salt water to the place of beginning, including the whole length of all the wharves within said boundaries,—with the addition of twenty-five rods around the same in every direction beyond the said defined bounds.

AN ORDINANCE IN REGARD TO AWNINGS, SHADES, &C.

Manner in which awnings and shades shall be erected—penalty.

It is ordained by the City Council of the City of Newport, as follows :

SECTION 1. It shall be lawful to place or continue to maintain awnings and shades before any house, shop or store, in any street, upon the terms and under the regulations mentioned in this ordinance, and not otherwise,—*provided*, that the city council, as to particular buildings or streets, may order that no awnings or shades shall be erected. Such awnings and shades shall be safely fixed and supported in such manner as not to interfere with passengers, and so that the lowest part thereof shall never be less than seven feet in height above the sidewalk or street, and in no case to extend beyond the line of the sidewalk ; and the person so placing or continuing to maintain the same, shall in all respects conform to any directions in relation to the maintenance thereof, which shall be given by the city council. Any person violating any of the provisions of this ordinance, or any such direction of the city council, shall forfeit and pay a penalty of not less than three nor more than fifty dollars ; and a like penalty for every day that any such awning or shade shall be continued in violation of such provision or direction.

AN ORDINANCE TO PREVENT INJURY TO LAMPS, LAMP POSTS, &C.

Lamps and Lamp-posts not to be injured—penalty.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. If any person shall maliciously, wantonly, or carelessly break, throw down, extinguish, or otherwise injure any lamp or lantern, erected for the purpose of lighting any street, highway, bridge, wharf, or public place or ground set apart for public purposes in this city, whether the same shall have been erected by the city or any other corporation, or by an individual, such person so offending shall, upon conviction before any court of competent jurisdiction, forfeit and pay the sum of not less than five nor more than twenty dollars, or be imprisoned not less than ten days nor more than three months.

AN ORDINANCE ESTABLISHING A PUBLIC POUND.

Public Pound established.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. The enclosure now used as a pound on the "Freebody land," so called, east of the city barn, is heieby designated and established as a public pound in this city.

AN ORDINANCE RELATIVE TO TREES.

1. Owners of trees to cause same to be trimmed so as not to obstruct street lights.

2. Owner of same refusing or neglecting to trim them, City Marshal to remove obstructions forthwith.

It is ordained by the City Council of the City of Newport, as follows :

SECTION 1. All persons owners of trees on any public street or highway of this city shall cause the same to be so trimmed as not to obstruct the light from the street lamps.

SEC. 2. Any owner as aforesaid refusing or neglecting to comply with the above section for seven days after the city marshal shall have notified the same with written or printed notices, it shall be the duty of the city marshal, after the expiration of such notice, to cause the obstruction to be removed forthwith, at the expense of the owners of the same.

ORDINANCE RELATIVE TO THE REPAIRING OF STREETS.

No person to drive upon any street while same is being repaired—penalty.

It is ordained by the City Council of the City of Newport, as follows :

SECTION 1. If any person shall drive, or cause to be driven, any carriage or vehicle of any description, over any part of any street or highway in this city, while the same is being paved, mended or repaired, when the same is enclosed by the street commissioner, such person shall forfeit and pay not less than five dollars nor more than twenty dollars, or be imprisoned not less than seven days nor more than twenty days.

AN ORDINANCE RELATIVE TO THE COURT OF PROBATE.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. The judge of the court of probate shall hold said court on Monday of each and every week; and specially at such other times as necessity may require.

SEC. 2. The court of probate shall be holden in the chamber of the common council in the city hall.

AN ORDINANCE ESTABLISHING THE CITY SEAL, THE SEAL OF THE BOARD OF ALDERMEN, AND SEAL OF THE COURT OF PROBATE.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. The following shall be the device of the seal of the City of Newport, viz.:

Around the margin of the same a circle the upper half containing the words, "The City of Newport, R. I., incorporated 1784;" in the lower half thereof the words, "Rechartered, 1853;" within which circle shall be a device representing the breakwater at Goat Island with the Light house thereon, and a general view of the city taken from the north west, with a steamboat and vessels in the harbor,—and in the foreground the words, "Settled 1639."

SEC. 2. The following shall be the device of the seal of

the Board of Aldermen of said city, viz.:—around the margin of the same there shall be a circle, the upper half containing the words, "Mayor and Aldermen;" in the lower half thereof shall be the words "Newport, R. I.;" and within the circle the words and figures, "1639. Re-chartered, 1853."

SEC. 3. The following shall be the device of the seal of the Court of Probate of said city, viz.: around the margin of the same there shall be a circle, the upper half containing the words, "Court of Probate;" in the lower half thereof shall be the words, "Newport, R. I.;" and within the circle shall be a device representing a monument and a book.

SEC. 4. The city clerk shall be *ex-officio* keeper of the city seal, and of the seal of the board of aldermen; and the clerk of the court of probate shall be *ex-officio* keeper of the seal of said court.

AN ORDINANCE PRESCRIBING THE DUTIES OF CITY CLERK.

1. City Clerk to record orders, ordinances, &c., of the City Council.
2. City Clerk to furnish City Marshal with names of officers, &c., elected, and Marshal to notify such persons.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. The city clerk shall record all votes, orders, resolutions, ordinances, rules and regulations made and passed by the city council by concurrent vote; also all the proceedings of the board of aldermen and common council in convention.

SEC. 2. The city clerk shall, from time to time, furnish the city marshal with the name of each committee man and officer elected by the city council, and it shall be the duty of the said city marshal immediately to notify, or cause to be notified, all such committee men and officers of their election.

AN ORDINANCE IN REGARD TO JOINT STANDING AND SPECIAL COMMITTEES.

It is ordained by the City Council of the City of Newport, as follows :

SECTION. 1. All meetings of joint standing and special committees shall be held in the city hall.

SEC. 2. Each joint standing committee shall keep a full and accurate record of all its proceedings; and the proceedings of all special committees shall be accurately and fully kept in one book.

SEC. 3. Each committee as aforesaid shall elect a chairman; and the clerk of the common council shall be secretary of all committees, whether standing or special, and shall attend all the meetings of said committees and record all their proceedings. He shall receive such compensation for his services aforesaid as shall be determined by the city council.

SEC. 4. The city marshal shall from time to time, designate one of the police officers of the city to notify the members of said committees of the meetings thereof, and to attend said meetings and obey the orders and directions of said committees.

SEC. 5. Said committees shall report their action on all matters referred to them by the city council at the next meeting of the same after said reference; and shall also report upon the condition of all unfinished business before them, at each meeting of the city council.

AN ORDINANCE ESTABLISHING A FIRE DEPARTMENT.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. The fire department of this city shall consist of a chief engineer and five assistants. There shall be a convention of firemen, annually, on the third Monday in May, at the chamber of the common council, in the city hall, to be composed of three delegates from each fire engine company; and if a majority of said companies are represented in said convention, by delegates duly elected by said companies at meetings regularly warned for that purpose, said convention may nominate a candidate for chief engineer and five candidates for assistant engineers, to be reported by said convention to the city council, at its first meeting for election of officers, in June; and said city council may confirm or reject

said nominations as to them shall seem proper. Should no such convention be held as herein provided for, the city council at such meeting in June, shall proceed in the election of said chief engineer and assistants the same as if said convention had not been provided for. The chief engineer and said assistants shall together constitute a board to be called firewards; there shall also be as many engine-men, hosemen, and hook and ladder men, to be divided into companies, as the number of engines and the number and quantity of other fire apparatus belonging to the city shall from time to time require. The city council shall annually, in the month of June, designate the number of men that each engine, hose, and hook and ladder company in the city shall be entitled to, in such cases where the same is not designated by special acts of the General Assembly.

SEC. 2. A majority of the firewards shall constitute a quorum for the transaction of business. Said board shall organize immediately after their election, and shall determine the relative rank of the assistant engineers. The chief engineer, and in his absence such assistant engineer as the board may choose, shall be chairman of the board. The clerk of the common council shall be secretary of the board; he shall attend all meetings of said board and keep a record of the proceedings of the board, to be at all times open to the inspection of the mayor, any member of the city council, and the foremen of the engine companies. All the meetings of said board shall be held in the common council chamber in the city hall. Said board are authorized to make such standing rules and regulations in relation to the fire department, and the control of the property of the city connected with the same, as they may from time to time deem advisable,—*provided*, such rules and regulations shall not conflict with the laws of the State or the ordinances of the city, which rules and regulations shall be approved by the city council before they take effect.

SEC. 3. All applications for the purchase or exchange of engines, or of lots for engine houses; for the leasing of lots as aforesaid; for the erection, removal or repairs of engine houses, and for the construction of reservoirs, wells and cisterns, shall be made to said board, by whom the same shall be immediately considered and reported to the city council, with the opinion of said board upon the merits of such application, and their reasons for said opinion in writing. Said board shall take into consideration and report in writing to the city council, all matters relating to the fire department, as to the property of the city connected therewith, which may be referred to them by the city council or by either branch thereof. Said board shall annually, in the month of May, report to the city council the state of the fire department, giving in said report a list of fires in the city for the year next preceding, and such statistics in relation to losses, insurance and the causes of fires, as they may be able to procure; and such other information and suggestions in relation to the operation of the fire system as they may deem advisable.

SEC. 4. The whole fire department of the city shall be under the command of the chief engineer. It shall be his duty to exercise a thorough supervision over the fire department. He shall have the general charge of the property of the city connected with the fire department, and shall see that the same is always kept in good repair, and is ready for immediate use. He shall attend at all fires which may occur in the city, and all orders given by him, to any assistant engineer, company or fireman, shall be promptly obeyed. It shall be his duty to see that the provisions of this ordinance and the rules and regulations of the board of engineers are regularly and strictly enforced and observed. He shall make a quarterly report to the city council of all expenditures of the fire department. The duties required by this ordinance of the chief engineer shall, in his absence or inability to act, be performed by the assistant engineer highest in rank present. In case of any violation of duty on the part of the chief

engineer, the same shall be reported to the city council immediately, by the board of firewards. The chief engineer shall prepare a plat of the city, defining on the same the reservoirs, cisterns, fountains and available wells from which water can be obtained in cases of fire; and shall cause a copy of the same to be furnished to each engine company, which said copy shall be kept posted up in a conspicuous place in each engine house. And the chief engineer shall cause the same to be revised and corrected at least once in each year.

SEC. 5. It shall be the duty of the assistant engineers to repair immediately to fires within the city, to obey all orders while on fire duty given to them, or to either of them, by the chief engineer, and to assist him in the discharge of his duties as far as possible. In case any assistant engineer shall be guilty of disobedience, disrespect, or other improper conduct, it shall be the duty of the chief engineer to report the same to the city council immediately.

SEC. 6. When on duty the chief engineer and the assistant engineers shall each carry a speaking trumpet painted red, and shall wear such other badge to distinguish them in their respective offices as the board of firewards shall direct. The chief engineer and the assistant engineers shall severally have power to command such assistance from the inhabitants of the city, for the suppression or extinguishing of fires, and for the preservation of property exposed to fire, as may be required. They, or either of them, shall have full power to suppress all tumults and disorders at fires, and the chief engineer, or assistant engineer, in command, shall have power to order any company, fireman, or other person away from the neighborhood of said fire. In case any person shall refuse or neglect to render assistance as above required, and shall not be excused by the board of firewards, or shall refuse to obey any other lawful command of the chief engineer or assistant engineers, or if such fireman or other person shall refuse or neglect to depart when ordered so to do, as aforesaid, the fireman or other person, in either case so offending,

shall for each offence forfeit and pay a fine of not exceeding twenty dollars nor less than five dollars.

SEC. 7. If any foreman, or in his absence the person in command of any engine, hydraulion, hose or hook and ladder company, in this city, shall refuse to obey the lawful commands of the chief engineer, or in his absence the assistant engineer in command, whether at fires or otherwise, said chief engineer, or, in his absence, the assistant engineer in command, shall within twenty-four hours after such refusal prefer written charges against said foreman or other person so in command and so refusing, to the board of firewards; and it shall be the duty of said firewards to summon the foreman or person so complained of to appear before said board and show cause why he should not be removed from office. After hearing all the facts in the case, said board may remove said foreman or other officer, provided, in their judgment said charges are sustained; if said board remove such foreman or other officer, they shall give immediate notice of the same in writing to said company. The chief engineer or assistant engineer who may prefer charges against any foreman or other officer, or the foreman or other officer against whom charges are so preferred, if aggrieved by the decision of said board, may appeal from the same to the city council at its next regular meeting thereafter, when said council shall summon the adverse party to appear before them, and, after fully investigating the case, may confirm or reverse said decision, as to them shall seem proper: and shall give immediate notice of the same to said company. The chief engineer or the assistant engineer preferring charges against any foreman or other officer as aforesaid, shall not sit or vote in the board of firewards upon the investigation of said charges. Any foreman or other officer so finally removed shall not be eligible to any office in any fire engine, hydraulion, hose or hook and ladder company in this city within one year next after such final removal.

SEC. 8. Each company in the fire department shall be under the immediate command of a foreman and not less than two nor more than four assistants, and such other officers as they may deem necessary, to be elected by the members of said company from their own number. The foreman of each company shall have the special charge of the property of the city to which his company may be attached. It shall be his duty to see that said property is properly taken care of, and to report any deficiency, defect or want of repair therein, as soon as known to him, to the chief engineer. Each foreman and the company under his command, unless specially excused or otherwise directed, shall proceed, as soon as practicable, with their engines and apparatus, to every fire that shall occur in the city, and shall proceed, under such rules and regulations as the board of firewards may have prescribed, and such directions as may be given by the chief engineer or either of the assistant engineers, to locate their engine and apparatus, and to do all that may be necessary towards the extinguishing of the fire and the preservation of property exposed to fire. The foreman, or in his absence, the assistant in command of any fire engine, hose or hook and ladder company is hereby authorized, on an alarm of fire, to command any male over 18 years of age, to aid in drawing any engine, hose-cart, or hook and ladder cart from their respective houses to the fire, should either of said engines or carts not be sufficiently manned. Every such person so ordered, who shall refuse or neglect to obey such order, shall forfeit and pay a fine of not more than twenty dollars, or be imprisoned not less than ten days, nor more than three months.

SEC. 9. At every alarm of fire the captain of the watch and the persons employed as city bell-ringers shall immediately ring or cause to be rung, in a rapid manner, the bells under their charge; the city bell-ringers shall continue to ring the bells under their charge as long as the city hall bell is rung.

SEC. 10. No engine, or other property belonging to the city, connected with the fire department, shall be taken out

of the city, unless under such regulations as the board of firewards may from time to time establish; nor shall more than one engine leave the city at any one time.

SEC. 11. The board of firewards shall at all times keep in the powder house in this city, properly secured in substantial copper bound kegs, at least one hundred and not more than eight hundred pounds of powder, with such apparatus as may be necessary for blowing up buildings when the same shall be required in case of fire. The chief engineer shall be the keeper of said powder house.

SEC. 12. There may be an annual review and inspection of all the fire engine, hydraulion, hose and hook and ladder companies, and their machines and apparatus, in this city, in the month of September, at such time and place as the board of firewards shall designate; any foreman refusing to parade at any such review shall not be subject to any penalty for such refusal.

SEC. 13. On no occasion shall any company run their engine or other carriage, in returning from a fire or an alarm, or by each other; and in all cases in going to or returning from a fire or an alarm, the companies, with their engines and other carriages, shall keep on the right hand side of the street.

SEC. 14. Any person who shall be convicted of maliciously or wantonly cutting or otherwise injuring any hose, fire engine or other fire apparatus belonging to the city, shall for each offence forfeit and pay a fine of two hundred dollars, and be imprisoned in the State's jail in the county of Newport for the space of six months.

SEC. 15. Any person who shall be convicted of insulting, menacing or wantonly interfering with any engineer or fireman while on duty, or shall without authority give any order to any engineer or fireman while on duty, shall for each offence forfeit and pay a fine of not less than five dollars nor more than twenty dollars, or be imprisoned for a term not exceeding thirty days.

SEC. 16. It shall by the duty of the city Marshal to see that a suitable number of police officers are in attendance at every fire which may occur in the city; and such police officers shall be vigilant in the preservation of the public peace, the prevention of theft and the wanton destruction of property and the removal of all suspicious persons.

SEC. 17. Immediately on the alarm of fire during the night, it shall be the duty of the watchmen nearest to the city hall to ring the bell on said building; and each watchman shall cry "fire," and give the name of the street which the same is in if within his knowledge. During a fire in the night it shall be the duty of the captain of the watch to repair immediately to said fire, and he shall detail such a number of watchmen to be on duty at said fire as the exigencies of the case may require; such watchmen so detailed shall be vigilant in the preservation of the public peace, the prevention of theft and the wanton destruction of property, and the removal of all suspicious persons. During such fires, all watchmen not so detailed, shall continue on their regular routes in the discharge of their usual duties.

SEC. 18. Every person who, without reasonable cause, shall make a false alarm of fire by outcry, the ringing of bells, or otherwise, shall be imprisoned not less than three months.

SEC. 19. Every person refusing to obey any order from the mayor, the city marshal, the chief engineer or the assistant engineers to work upon any engine, remove or protect property from damage or loss at any fire, or to render any other aid which may be required as aforesaid, shall be imprisoned not more three months.

AN ORDINANCE IN REGARD TO WATCHMEN.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. There shall be elected annually in the month of June, at the time of the election of other city officers, such a number of night watchmen as the city council shall designate, including a captain, and such number of lieutenants as may be deemed necessary by the city council. The entire watch force, whether regular or special, shall be under the command of the captain of the watch. It shall be his duty to repair to the watch house at the hour appointed for the assembling of the watchmen, at which time he shall assign the several divisions to their respective districts, and designate the watchmen to be assigned to each beat, and he shall from time to time change the beats of the several watchmen. He shall keep a correct record of all persons arrested and committed to the watch house, stating in the same their names and the particulars of each arrest; he shall also keep a correct record of the names of all persons who may lodge in the watch house, and the place from whence they come, which record he shall submit to the mayor the next morning. He shall keep a correct record of the time of lighting and extinguishing the gas lights in the streets of the city, and the number of the same that are burned each night; and shall furnish a certified copy of the same, at the end of each month, to the city council, and a like copy to the corporation or person or persons who may contract with the city to furnish gas for said street

lanterns. He shall report promptly to the mayor, in the morning, all delinquencies of any watchmen; and shall see that the provisions of this ordinance, and all orders, rules and regulations of the board of aldermen in relation to the watch are duly enforced.

Sec. 2. In the absence or inability of the captain of the watch, all the duties devolving upon him shall be discharged by the senior lieutenant of the watch, who is hereby vested with all the powers of said captain during the absence or inability of the captain as aforesaid.

Sec. 3. The watchmen shall assemble at the watch-house from the first day of October until the first day of May, at seven o'clock, P. M., and remain on duty until one hour after daylight; from the first day of May to the first day of October they shall assemble at the watch-house at eight o'clock, P. M., and remain on duty until one hour after daylight. Each watchman while on patrol shall be constantly engaged in passing through all the lanes, streets, wharves and avenues of his beat, and shall not leave his beat, unless in answer to a call for assistance, or by order of the captain of the watch; and he shall carry a club and such other arms as the mayor or the city council may direct. Two or more watchmen shall not go the rounds in company, unless specially ordered so to do by the captain of the watch; and when they meet while on duty shall not stop to talk, nor walk with each other, nor shall they use their weapons except in urgent cases of self-defence. If any watchman desires to be absent during the night, he shall make it known at a reasonable time before the setting of the watch, to the captain thereof, who, if he thinks proper, will grant his request and provide a substitute for him. The watchmen shall have authority to arrest and carry to the watch-house all persons who shall wilfully give any false alarm of fire, all persons found by them under suspicious circumstances, every person violating any law of the state or ordinance of this city, or who may be intoxicated in any public street or place

in this city; and to prevent any crowd collecting so as to obstruct the convenient passage of peaceable persons through any part of any street, wharf or highway of this city.

Sec. 4. The watchmen shall in all cases not otherwise provided for, be governed by such instructions and directions as may from time to time be given them by the mayor; and they shall receive such compensation as the city council may direct.

AN ORDINANCE RELATIVE TO STACKING HAY, STRAW, &C.

Hay, Straw, &c., not to be stacked within limits of compact part of the City—penalty.

It is ordained by the City Council of the City of Newport, as follows:

Section 1. No person shall stack, or cause or permit to be stacked, any hay, straw or butts in the open air, within twenty rods of any building within the limits of the compact part of this city.

Sec. 2. Every person violating the provisions of this ordinance shall forfeit and pay not less than twenty dollars, or be imprisoned not less than seven days nor more than three months.

AN ORDINANCE IN RELATION TO THE SALE OF JUNK, AND OTHER SECOND-HAND ARTICLES.

1. Tax on license; licensed persons shall keep a record of all purchases of junk, &c.; have suitable sign; keep their shops open only during certain hours, and make no purchase of a minor or apprentice.
2. Purchase of Books, &c., excepted from the above provisions.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. All licenses, except as hereinafter provided, which may be granted by the Board of Aldermen to any persons to be keepers of shops for the purchase, sale, or barter of junk, old metals or any second-hand articles, agreeably to an act of the General Assembly, passed at the January session, A. D., 1858, and to be dealers therein, shall contain the following conditions and restrictions:

First. That every person, at the time of receiving said license, shall pay therefor the sum of three dollars.

Second. That every keeper of such shop shall keep a book, in which shall be written, at the time of every purchase, a description of the article or articles purchased, the name and residence of the person from whom, and the day and hour when such purchase was made, and that such book shall at all times be open to the inspection of the mayor and board of aldermen, or of either one of said board, or of any person by them authorized.

Third. That every keeper of such shop shall give notice that he is so licensed, by a suitable sign attached to said shop.

Fourth. That the said shops shall not be kept open, except at such hours as shall be allowed by the terms of the license, and that no purchases of any of the articles aforesaid shall be made by the keepers thereof, or by any person for them, except during such hours as shall be designated in the license; and that the said shops shall at all times be open to

the inspection of the mayor and aldermen, or either of them, or of any person by them authorized.

Fifth. That no keeper of such shop shall, directly or indirectly, either purchase or receive by way of barter or exchange, any of the articles aforesaid, of any minor or apprentice, knowing, or having reason to believe him to be such.

SEC. 2. The provisions of this ordinance shall not be construed to apply to persons licensed by the board of aldermen to be keepers of shops for the purchase, sale or barter of books, pamphlets or periodicals, and to be dealers therein.

AN ORDINANCE RELATIVE TO DRUNKENNESS.

Drunkenness prohibited—penalty.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. Any person who shall be indecently intoxicated in said city shall forfeit and pay not less than five dollars nor more than twenty dollars, or be imprisoned not less than ten days nor more than three months.

AN ORDINANCE IN REGARD TO THE ASYLUM ON COASTER'S-HARBOR ISLAND.

1. Persons not to visit Asylum without permission—penalty.
2. Persons not to convey articles to inmates without permission—penalty for rescuing inmates.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. Any person who shall visit or attempt to visit the asylum on Coaster's-Harbor Island in this city without written permission so to do from the commissioners of said

asylum, or some other officer of the city authorized to give such permission, after being refused by the keeper of said asylum, shall forfeit and pay a sum of not more than ten dollars and not less than five dollars.

SEC. 2. Any person who shall convey or attempt to convey to any inmate of said asylum, who has been regularly committed thereto, articles of any kind without the permission so to do of the commissioners as aforesaid, or of some city officer authorized to give such permission; and any person who shall rescue or attempt to rescue or remove from said asylum any inmate who has been regularly committed thereto, shall forfeit and pay the sum of twenty dollars, or be imprisoned not less than thirty days nor more than three months.

AN ORDINANCE IN REGARD TO SLEIGHS, &C.

Horses to which sleighs are attached to wear bells—penalty.

It is ordained by the City Council of the City of Newport, as follows:

SECTION 1. No person shall drive any sleigh or sled on any of the streets, roads, highways or wharves of this city, unless there is a string of bells attached to the horse or horses drawing such sleigh or sled. Every person violating this ordinance shall forfeit and pay not less than five dollars nor more than twenty dollars, or be imprisoned not less than seven days nor more than twenty days.

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